

**KENTUCKY**

Spring 2013 | Volume 12, Number 1

# LAW ENFORCEMENT



A SINGLE BULLET HOLE  
**SHOWS WHY**  
OFFICERS  
SHOULD ALWAYS  
**BE PREPARED**

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**Steve Beshear**  
Governor

**J. Michael Brown**  
Justice and Public Safety  
Cabinet Secretary

**John W. Bizzack**  
Commissioner

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**STAFF:**

Dave Wilkinson, Editor  
Diane Patton, Coordinator  
Trang Baseheart  
Abbie Darst  
Kelly Foreman  
Jim Robertson

**CONTRIBUTOR:**

Edliniae Sweat  
Elizabeth Thomas



This publication is produced quarterly as a training and marketing tool for the Kentucky law enforcement community as well as public officials and others involved with law enforcement or the oversight of law enforcement. It includes best practices, professional profiles, technology and law updates of practical application and news-to-use for professionals in the performance of their daily duties.

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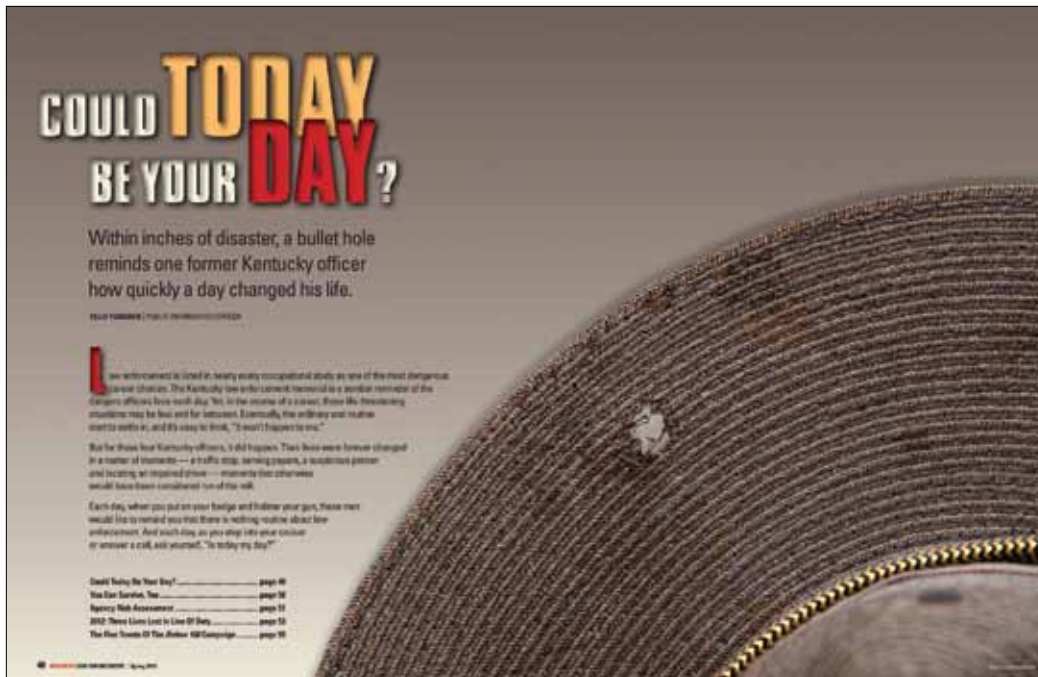
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Address all correspondence to: KLE Staff, Funderburk Building  
521 Lancaster Avenue, Richmond, KY 40475 | [DOCJT.KLENN@ky.gov](mailto:DOCJT.KLENN@ky.gov)



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» The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible publication in the magazine and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital images. KLE news staff can also publish upcoming events and meetings. Please include the event title, name of sponsoring agency, date and location of the event and contact information.



## Secretary's Column

# Legislators Address DNA Collection

J. MICHAEL BROWN | SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

During its 2013 legislative session, the Kentucky General Assembly debated legislation that would give law enforcement a critical tool in solving crimes and preventing future offenses, while exonerating the innocent and reducing criminal justice costs.

Katie's Law, as House Bill 89 is known, would allow law enforcement to collect DNA swabs from people arrested for felony offenses. (As of this writing, the bill had unanimously passed the House Judiciary Committee and was awaiting action by the full House.) If approved, Kentucky would become the 26th state to allow the automatic collection of DNA evidence before someone has been convicted of a crime. The bill allows persons charged but never convicted of a crime to have their DNA removed from the database.

The bill is named for Katie Sepich, who was brutally attacked outside of her New Mexico home in August 2003. The 22-year-old college graduate student was raped, strangled, set on fire and abandoned at an old dump site.

Her attacker's skin and blood were found under her fingernails, but it would be three years before a match was made through the national DNA database. Then, DNA identified Gabriel Avilla, who had been arrested less than three months after Katie's murder on unrelated aggravated assault charges but who had escaped while on bond before sentencing, and disappeared. When he was recaptured in August 2005, his DNA was finally taken, linking him to Katie's case. Confronted with the evidence, he confessed to the murder.

The experience of Katie's parents, Jayann and Dave Sepich, in bringing Katie's killer to justice motivated them to advocate for legislation that would expand the use of DNA to arrest and convict criminals.

Sponsored by Rep. Mary Lou Marzian of Louisville (a companion piece in the Senate, Senate Bill 47, is being sponsored by Sen. Whitney Westerfield of Hopkinsville), HB 89 would give law enforcement the tools needed to help solve crimes and prevent heartbreaking tragedies like Katie's from happening in the future.

Supporters point to another case to highlight the need for such as law.

Chester Turner was arrested 21 times over a period of 15 years without ever being convicted of a crime that would allow his DNA profile to be uploaded into the DNA database. When he was finally convicted of rape and his DNA profile was uploaded into CODIS, it matched to the crime scene DNA found on 12 raped and murdered women. The first of these women was murdered less than two months after his first felony arrest.

Had Turner's DNA been taken upon his first felony arrest, it would have matched evidence collected at the crime scene of his first victim, and 11 other women might have been saved. The law would not just be critical in convicting the guilty — it also would help exonerate the innocent as well. In fact, another man, David Jones, was wrongfully convicted in two of these cases, and served 11 years in prison for crimes he didn't commit.

The U.S. Supreme Court is scheduled to hear a case, Maryland vs. King, at the end of this month that is expected to decide whether state laws that allow collection of DNA before a conviction are legal under the U.S. Constitution.

The law is expected to cost approximately \$1.2 million a year to implement, but much of the startup costs could be paid with a federal grant under the recently enacted Katie Sepich Enhanced DNA Collection Act. In addition, the cost of administering the program may go down over time. Still, there is a provision in the bill that delays its implementation if there is no money in the budget to fund its provisions.

◀ Jayann Sepich, mother of murder victim Katie Sepich, met with Kentucky Justice and Public Safety Cabinet Secretary J. Michael Brown to discuss new legislation regarding early DNA collection. To read more about how this legislation impacts Kentucky, scan this QR code with your smart phone or visit <https://docjt.ky.gov/Magazines/Issue%2040/index.html#/40/>.





# Association Leaders 2012 to 2013

## Kentucky Association of Chiefs of Police

**Chief Bill Crider** – Dawson Springs  
*william.crider@dawsonspringsky.com*  
(270) 797-2277

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Police Department

**Second Vice President:** Director  
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**Third Vice President:** Chief Richard  
Sanders, Jeffersontown Police  
Department

**Sergeant at Arms:** Chief Guy Howie, Hopkinsville Police Department

**Immediate Past President:** Chief Robert Ratliff,  
Ashland Police Department

**Executive Director:** James Pendergraff, (Ret.)

**Treasurer:** Chief Craig Birdwhistell (Ret.)



Bill Crider

## Kentucky Women's Law Enforcement Network

**Jennifer Colemire** –  
Covington Police Department  
*JRudolph@covkypd.org*  
(859) 292-2222

**President:** Jennifer Colemire,  
Covington Police Department

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**Second Vice President:** Jackie Prickrell,  
Kentucky State Police

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Russellville Police Department

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Kentucky University Police Department

**Historian:** Jennifer Crabill, (Ret.)

**Chaplain:** Leighann Leavell, Madisonville Police Department

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**Eastern Regional Rep:** Jennifer Sandlin, Kentucky State Police

**Northern Regional Rep:** Mindi Thompson, Kentucky State Police

**Western Regional Rep:** Nicole Hatchett, Bowling Green  
Police Department

**Executive Director:** Kathy Eigelbach (Ret.)



Jennifer Colemire

## Fraternal Order of Police

**Berl Perdue** – Clark County Sheriff's Office  
*bperdue@clarkcokysheriff.com*  
(859) 744-4390

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Bowling Green Police Department

**Chaplain:** Tim Davis, (Ret.)

**National Trustee:** Michael Hettich,  
Jefferson County Sheriff's Office

**Past President:** Michael "Spike" Jones, Covington Police Department



Berl Perdue

## Kentucky Peace Officers' Association

**Ricky Lynn** – Lexington Division of Police  
*rickylynn@yahoo.com*  
(859) 312-1029

**President:** Ricky Lynn,  
Lexington Division of Police Department

**First Vice President:** Ben Stickle, (Ret.)

**Second Vice President:** Brett Pitchford,  
Ky. Alcoholic Beverage Control

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Division of Police Department

**Treasurer:** Paul Stewart, Lexington  
Division of Police Department

**Sergeant at Arms:** Mike Hensley,  
Middlesboro Police Department

**Photographer:** Craig Sutter, Western Ky. Univ. Police Department



Ricky Lynn

## Kentucky Sheriffs' Association

**John Blackburn** –  
Floyd County Sheriff's Office  
*johnk@mikrotec.com*  
(606) 886-6171

**President:** John K. Blackburn,  
Floyd County Sheriff

**First Vice President:** Rodney Coffey,  
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**Second Vice President:** Troy Young,  
Anderson County Sheriff

**Third Vice President:** Wayne Wright,  
Woodford County Sheriff

**Secretary/Treasurer:**

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Kenton County Sheriff

**Sergeant At Arms:** Kevin Corman, Jessamine County Sheriff

**NSA Treasurer:** John Aubrey, Jefferson County Sheriff

**NSA Director:** Keith Cain, Daviess County Sheriff

**NSA Director:** Jerry "Peanuts" Gaines, Warren County Sheriff



John Blackburn

## Kentucky Officers Serve the Capitol During President Obama's Second Inauguration



▲ From Left: KSP Tpr. Peter Binkley, Post 4-Elizabethtown, (left) and fellow troopers were reviewed by Major Tony Terry, commander of the KSP Special Enforcement Troop, at the intersection of Pennsylvania Avenue and Constitution Avenue where the troopers provided crowd control and parade security during the inaugural ceremonies. Middle: President Barack Obama and First Lady Michelle Obama walk the parade route with Lexington Division of Police Lt. Richard Willoby working crowd control behind him. Right: Once again, Lexington Division of Police officers served as inauguration protection during the ceremonies. PHOTOS COURTESY OF KENTUCKY STATE POLICE AND LEXINGTON DIVISION OF POLICE.



### RAMSEY PROMOTED TO EVALUATION SECTION SUPERVISOR

Department of Criminal Justice Training Instructor Robert Ramsey was promoted to supervisor of the Evaluations Section, of the Basic Training Branch on Feb. 1. Ramsey served as a DOCJT instructor for more than nine years in Vehicle Operations, Physical Training and Defensive Tactics, and Firearms sections. Ramsey's experience coordinating schedules, preparing instructional material and mentoring and training new employees contributes to his expertise in this new position.

Prior to working at DOCJT, Ramsey served the Lexington Division of Police in the Bureau of Patrol for seven years.



### DOCJT NAMES INSTRUCTORS OF THE YEAR

In November, the Department of Criminal Justice Training recognized instructors Larry Sennett and Gina Smith as the 2012 Instructors of the Year.

Sennett has served as an instructor in the Investigations Section for five years. Recently, Sennett researched and wrote a 40-hour course on forensic mapping using the Total Station. His course put a new spin on the familiar equipment by teaching officers how to use the Total Station for crime-scene mapping, in addition to accident reconstruction.



Physical Training and Defensive Tactics Instructor Gina Smith is an outstanding role model for recruits in her dedication to physical fitness and passion for helping recruits reach their goals. She develops lesson plans to prepare officers for the demanding challenges they face in their careers. She also knows the importance physical fitness and defensive tactics play for officers to do their jobs in a safe manner.

## IMPAIRED DRIVING ENFORCEMENT

The Kentucky Office of Highway Safety honored 197 law enforcement officers from 164 agencies across the commonwealth for their efforts to target impaired drivers. Awards were presented to officers with the most impaired driving arrests in each agency and division. "Impaired driving is not an accident — it's an epidemic of careless disregard for human life," said KOHS Director Bill Bell. "These officers, their departments and agencies render a great service for public safety by removing drunken and drugged drivers from our roads." Last year, Kentucky recorded more than 5,600 crashes related to drugs and alcohol, resulting in 150 deaths and more than 3,000 injuries.

First place award winners were: West Point Police Officer Jacob Duke, Div. 1; Audubon Police Officer John Porter, Div. 2; University of Louisville Police Officer Jordan Brown, Div. 3; Paducah Police Patrol Officer Steven Thompson, Div. 4; Louisville Metro Police Officer Bryan Gillis, Div. 5; Kentucky State Police Sgt. Steve Walker, Div. 6.



▲ The Kentucky State Police are raffling a 2013 Chevrolet Camaro 1SS Coupe to help support the Trooper Island summer camp for underprivileged youth. Tickets are \$10 and available from any KSP trooper, Commercial Vehicle Enforcement officer or any of the 16 KSP posts. The winning ticket will be drawn Aug. 25, at the Kentucky State Fair.



## NEW CHIEFS AND SHERIFFS

### SCOTT O'BRIEN

#### Dayton Police Department

Scott O'Brien was appointed chief of Dayton Police Department on June 1, 2012. O'Brien has 17 years of law enforcement experience. He began his law enforcement career with Taylor Mill Police Department and served 14 years before coming to Dayton. O'Brien started as a patrolman and moved through the ranks to become chief. He attended Northern Kentucky University. O'Brien is a graduate of the FBI National Academy 221st session and graduated from the Department of Criminal Justice Training Basic Training Class No. 251. His primary goal for the department is to become more involved through community-oriented policing in city activities and government.



### MIKE BROUGHTON

#### Barbourville Police Department

Mike Broughton was appointed chief of Barbourville Police Department on Aug. 1, 2012. Broughton has more than 20 years law enforcement experience at the Barbourville Police Department, moving through the ranks to become chief. He served the U.S. Army for three years as a power trooper at Fort Bragg during Desert Storm. Broughton graduated from the Department of Criminal Justice Training Basic Training Class No. 226. His long-term goals are to combat the drug problem in southeast Kentucky and focus on community-oriented policing.



### ROBERT "MIKE" GRANDIN

#### Trenton Police Department

Mike Grandin was appointed chief of the Trenton Police Department on Oct. 1, 2012. Grandin has 15 years of law enforcement experience. He retired from the 101st Airborne Division at Fort Campbell in 1994, serving in Desert Shield and Desert Storm. Before coming to Trenton, Grandin served the Montgomery County Sheriff's Office Reserve Force and the Guthrie Police Department. Grandin retired from Guthrie in June 2012 after serving 14 years. Grandin plans to continue to move the department forward.



### CHRIS ATKINS

#### Lawrenceburg Police Department

Chris Atkins was appointed chief of Lawrenceburg Police Department on Dec. 10, 2012. Atkins has 20 years of law enforcement experience at Lawrenceburg Police Department, beginning as dispatcher in 1992 and moving through the ranks to become chief. He graduated from the Department of Criminal Justice Training Basic Training Class No.



224. His goal is to be more community focused through community-oriented policing. Atkins also looks forward to seeking more communication with other area law enforcement agencies.

### ROLAND CRAFT

#### Jenkins Police Department

Roland Craft was appointed chief of Jenkins Police Department on Dec. 17, 2012. Craft has 22 years of law enforcement experience. He began his law enforcement career with the Whitesburg Police Department as a patrolman then moved to the chief's position. He left Whitesburg and served as a loss prevention officer for Wal-Mart. From there he served as a constable for six years before being named chief of Jenkins Police Department. Craft graduated from the Department of Criminal Justice Basic Training Class No. 177. Since taking office he has begun remodeling the department, purchased three new vehicles and ordered new equipment. His main goal is to have the best police department in Letcher County.



### WILLIAM K. DOWNS

#### Bloomfield Police Department

William K. Downs was appointed chief of Bloomfield Police Department on Dec. 28, 2012. Downs has 24 years of law enforcement experience. He began his law enforcement career with Jefferson County Police Department and continued to work there when the department merged with the Louisville Police Department. While with Louisville Police Department, he served in many areas of the detective unit. Downs also served the Nelson County Sheriff's Office for more than two and a half years before being named chief of Bloomfield. His goals are to continue to work on city ordinances and focus on community oriented policing. Downs looks forward to getting out in the community talking to storeowners, kids in schools and the public.



### DANIEL GOODWIN

#### Shelbyville Police Department

Daniel Goodwin was appointed chief of Shelbyville Police Department on Jan. 2. Goodwin has 15 years of law enforcement experience. His entire career has been spent in emergency services by serving as a volunteer Shelbyville fireman, three years with the Shelbyville County Emergency Medical Services and Shelbyville Police Department. Goodwin's law enforcement career began at Shelbyville Police Department as a patrolman. He graduated from the Department of Criminal Justice Training Basic Training Class No. 266. His primary goal is to add more staff. Goodwin's long-term goals are to purchase new equipment and focus on community-oriented policing by reinstating the citizen's advisory board. He will also work to develop and enhance the narcotic and special investigation units within the department. >>



## NEW CHIEFS AND SHERIFFS

### >> EDWARD L. SMITH

#### Russell Co. Sheriff's Office

Edward Smith was appointed sheriff of Russell County on Jan. 1. Smith has 29 years of law enforcement experience. He began his law enforcement career in January 1984, when he joined the U.S. Army Military Police, where he attained the rank of sergeant. In 1987 he served the Jamestown Police Department as assistant chief. Smith also served the Russell Springs, Liberty and Kentucky State Park Ranger departments and was a special law enforcement officer for the Kentucky Department of Military Affairs before coming to Russell County Sheriff's Office. He graduated from the Department of Criminal Justice Training Basic Training Class No. 176 and attended Eastern Kentucky University and Barstow Community College, (Calif.). Smith said that in recent years the department has made tremendous strides in improving its service and ability to provide service to the citizens of Russell County. He will continue to build upon that success.



### LISA RAKES

#### Kentucky Horse Park

Lisa Rakes was appointed captain of the Kentucky Horse Park Mounted Police Department on Jan. 7. Rakes has 23 years of law enforcement experience at the Lexington Police Department where she retired on January 5. Rakes received her mounted police education through the Lexington Division of Police and through her own life experiences. She plans to make the unit as professional as it can be and provide more police work from horseback, which will become the norm for the department.



### ARTHUR E. EALUM, JR.

#### Owensboro Police Department

Arthur Ealum Jr. was appointed chief of Owensboro Police Department on Nov. 20, 2012, and has more than 22 years of law enforcement experience. He joined the Owensboro Police Department in 1991 and moved through the ranks to become chief. Ealum holds a Master of Science degree in Criminal Justice from Eastern Kentucky University, and is a graduate of the Administrative Officers Course from the University of Louisville's Southern Police Institute. He also is a graduate of DOJT's Leadership Academy, including the School of Strategic Leadership. His goals for the department are to increase community involvement by getting more officers to participate in community events. Ealum plans to increase diversity by making the department more appealing to minorities and females. His goal is to implement strategies and programs to ensure Owensboro maintains its status as one of the best places to raise a family.



## No Hearing on Constable Bill

In the 2013 Kentucky Legislative Session, the Senate Judiciary Committee took no action on Senator Julie Denton's proposed bill (SB73) to remove law enforcement functions from the responsibilities of Kentucky constables, virtually guaranteeing it would not proceed through the legislature. Denton's proposed bill was in response to a statewide survey of law enforcement professionals and local elected officials, which demonstrated an overwhelming desire to eliminate the constable position or at least reduce its functions.

"We agree with legislators who say their constables are mostly nice guys," one police official said. "The report doesn't contradict that. But law enforcement officers are required to undergo vigorous training after meeting strict Peace Officer Professional Standards. Constables have no training, meet no standards and yet patrol our streets in uniform and cruiser, carrying a gun and acting like police authorities. It's just a matter of time before someone else gets hurt."

The last comment was referring to the case of a Jefferson County constable who shot an unarmed woman suspected of shoplifting in a Wal-mart parking lot. The constable, who had previously pleaded guilty to felony theft charges, also had been kicked out of a law enforcement training program when he failed firearms training, according to the Courier Journal.

According to the survey released by the Justice and Public Safety Cabinet in the fall of 2012, the majority of law enforcement and local government officials prefer to completely eliminate the office of constable or restrict their law enforcement authority:

- Kentucky State Police .....56 percent
- County Judge Executives .....58 percent
- Sheriffs .....76 percent
- Police Chiefs .....50 percent
- County Attorneys .....60 percent

The statistical analysis also revealed that constables perform less than one-fourth of one percent of law enforcement responsibilities in the state, and most constables have other full-time jobs. *For complete Constable Survey go to <https://docjt.ky.gov/constables.html>.*

— Orlando, FL • April 2-4, 2013 —  
**NATIONAL  
 RX DRUG ABUSE  
 SUMMIT**  
[NationalRxDrugAbuseSummit.org](http://NationalRxDrugAbuseSummit.org)

Operation UNITE is organizing its second National Rx Drug Abuse Summit April 2 to 4 in Florida, said UNITE President/CEO Karen Kelly. Discussion on ways law enforcement officials can "Make An Impact" in the battle against prescription drug abuse will take center stage. For more information about the summit visit the website at [www.nationalrxdrugabusesummit.org](http://www.nationalrxdrugabusesummit.org) or contact Eric Rice at (606) 657-3218.



# KLEC Presents CDP Certificates

STAFF REPORT | KLEC

The Kentucky Law Enforcement Council's Career Development Program is a voluntary program that awards specialty certificates based on an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 17 professional certificates; 12 for law enforcement that emphasize the career paths of patrol, investigations, traffic and management; and five certificates for telecommunications. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

The KLEC congratulates and recognizes the following individuals for earning career development certificates. All have demonstrated a personal and professional commitment to their training, education and experience as a law enforcement officer or telecommunicator.

## INTERMEDIATE LAW ENFORCEMENT OFFICER

**Berea Police Department**  
Glen D. Wagoner Jr.

## Bowling Green Police Department

Kevin Kabalen  
Robert O. Perry  
Kevin D. Wiles

## London Police Department

Gary D. Proffitt

## Louisville Metro Police Department

Johnny D. Burgraff III  
Brian W. Gillock  
Eric L. Kemper  
Jeremy W. Livers  
Michael J. O'Neil  
Travis M. Whitham

## Madisonville Police Department

Jason A. Barnes  
Ryan L. Clark  
Robert E. Couchman  
Ronald R. Faulk  
Jeffrey S. Gipson  
Chester P. Haynie  
Corey D. Miller  
Joshua A. Mitchell  
Clay L. Stroud  
Charles H. Young II

## Newport Police Department

John D. Dunn III  
Christopher M. Theisen

## Owensboro Fire Department

Michael E. Staples

## Owensboro Police Department

Billy R. Bradshaw II  
Bruce A. Burns  
Troy Couch  
Brian K. Crosley  
Eric N. Flory  
Nathan D. Godeke  
Aaron M. Hamilton  
William B. Martin  
Scott Norris  
Jeffery L. Roby  
Michael W. Roby  
Nicholas E. Wellman  
Jason D. Winkler

## Paris Police Department

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## University of Louisville Police Department

Timothy C. Skaggs

## ADVANCED LAW ENFORCEMENT OFFICER

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Kathryn Reed

## Berea Police Department

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## Louisville Metro Police Department

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## Madisonville Police Department

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William T. Davis

## Lexington Division of Police

Brian Maynard

## Owensboro Police Department

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David M. Powell  
Jeffery L. Roby

## Paris Police Department

Myron L. Thomas

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## LAW ENFORCEMENT EXECUTIVE

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## Frankfort Police Department

Jeffrey T. Abrams

## Princeton Police Department

Rocky L. Howton

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## London Police Department

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## Oldham County Sheriff's Office

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## Owensboro Police Department

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Brandon M. Sims  
Michael E. Staples

## Princeton Police Department

Ronald Hellard Jr.

## Taylor County Sheriff's Office

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Michael D. Brennaman

## Louisville Metro Police Department

Travis M. Whitham

## University of Louisville Police Department

Timothy C. Skaggs

## INTERMEDIATE TELECOMMUNICATOR

## Bluegrass 911 Central Communications

Russ Clark

## Bowling Green Police Department

Holly Hanes  
Daniel S. McDonald  
Paula M. Thomas  
Chelsy N. Woodward  
Nichole Wright

## Danville Police Department

Tiffany K. Dunham  
Melinda S. Ennis  
Rebecca L. Hafley  
Erica L. Tolson

## Jessamine County 911

Michael J. Sakowich

## Logan County Emergency Communications Center

Ginger L. Lawrence

## TELECOMMUNICATION SUPERVISOR

**Bluegrass 911 Central Communications**

Russ Clark

## Madisonville Police Department

Randall E. Orange

## LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR

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Arminta J. Mullins  
Kevin W. Peel

## Fort Wright Police Department

George Kreutzjans

## Meade County Sheriff's Office

Jason S. Graham

## Oldham County Sheriff's Office

Michael L. Meece

## Paducah Police Department

Matthew L. Smith

## Princeton Police Department

Ronald Hellard Jr.

## CRIME SCENE PROCESSING OFFICER

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Arminta J. Mullins

## Owensboro Police Department

Brandon M. Sims



# LEADING THE PACK



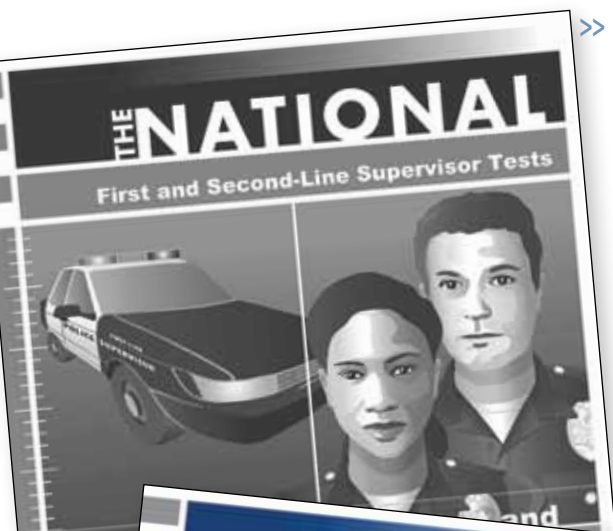


**A**fter more than five years under the direction of Michael Bischoff, the Kentucky Association of Chiefs of Police recently named James Pendergraff as its new executive director. A former chief at the Russellville and Madisonville police departments, Pendergraff spent nearly 10 years involved in KACP, learning the ins and outs of the organization. He has served as KACP past president and feels a passion for seeing Kentucky's chiefs, in agencies large and small, advance in professionalism. Pendergraff holds bachelor's and master's degrees from Murray State University. With his experience and background he is prepared to serve members of Kentucky law enforcement agencies from Fulton to Floyd County and everywhere in between. >>

PHOTO BY JIM ROBERTSON

## Profiling James Pendergraff, new executive director for the Kentucky Association of Chiefs of Police

**ABBIE DARST** | PROGRAM COORDINATOR



## >> What is your law enforcement background, and how does it make you a good fit for this position?

I have 32 years full-time law enforcement experience. I started in 1975 at the University of Kentucky Police Department, and worked there for four years. I then went to Madisonville Police Department — Madisonville is where I was born and raised. I worked there until 1997 and retired as a captain. I went back to school and finished up my bachelor's and master's degrees. Then I applied at the Russellville Police Department and served there as

chief for about six years. After I left there, I worked with the Highway Safety Program for about a year and a half. Then the police chief position in Madisonville opened up and the mayor asked if I would take the job, and I did. So, my last 10 years in law enforcement were as a police chief. I've served in a number of capacities in law enforcement from patrol officer to administrative sergeant, to a public information office lieutenant to administrative captain. I served two to three years as a road supervisor. The only position I did not hold was detective. So my career has been rather diverse.

## How long have you been associated with the Kentucky Association of Chiefs of Police — what is your history with the organization?

I became involved with the chiefs' association through working with the highway safety position, because that position actually is funded through a grant with the chiefs' association. At Russellville, we went through the accreditation program, which is a big part of what KACP does. That process got me more involved. Then I continued that association with KACP after I went to Madisonville as chief. My

last 10 years as a police chief I stayed active in the KACP.

The first year or so, I attended the regional meetings and helped out first vice president, Chief Gary Rainer, then with the Bowling Green Police Department. I was on his conference committee in 2001. I served as the regional chair for the south central region from 2004 to 2005. When I came back to Madisonville in 2007, I was fortunate enough to run for third vice president and be elected. I went through chairs from third vice president to second to first to president. The first vice president is in charge of the conference and conference committee. We actually hosted the conference in Bowling Green. It is quite the undertaking. If you've never put on a conference with a six-digit budget figure, it's quite an ordeal. There is a lot of time and effort that goes into it. It was a learning experience, and I made a lot of good contacts, so it was a good experience.

## When you first retired from Madisonville, did you have any desire to get back into law enforcement in some capacity?

I didn't want to go back into a sworn position. I thought some of the off-shoot positions, some civilian position, would be great. With my degree, I thought at one time I'd like to teach at a community college. That door was still swinging and I was trying to decide if I wanted to go that route, when this position came open. I thought it was a good opportunity.

## Was the position as executive director one you sought or were asked to fill?

I had been retired for two years. It's an adjustment when you're retired to go from full-time employment to not working at all. So I had an adjustment getting into the retirement mode. After about two years I'd gotten into it pretty well. But this position came open, and I thought it was time. I was too young to just fully retire. So, I did some soul searching and put in my application. They had a total of eight people apply, and I was fortunate enough to be selected. There were some pretty good folks in there. I think I'm the fifth executive director the association has had since 1971, so that's a pretty good track record. Bob Stone, Larry Gaines, Craig Birdwhistle, Mike Bischoff and then me. Mike started in February 2007, so he had about five years. Craig was there for 10. I'm trying to go back and research and find

▲ The Kentucky Association of Chiefs of Police offers testing materials to Kentucky law enforcement agencies for recruits, dispatchers, supervisors and more. KACP offers these tests at a discounted rate to help agencies fill their positions with the most qualified individuals. For more information, visit KACP's website at <http://kypolicechiefs.org/index.php/membership-information/testing-material>, or scan this QR code with your smart phone.





out when the other folks served. I'm a little bit of a history buff. I'd like to get that information on the website. We have the past presidents on our website, but not the past executive directors. I think that would be nice to put on there.

But, it's hard getting back into the work force. This is a part-time position. I can see some weeks it will be more full-time than part-time. There may be some down time, but there will be other weeks that will be pretty busy.

*There were a handful of chiefs I trusted completely. I could call them up day or night and felt like I'd get good advice. It's a good mentoring program. We try to mentor new chiefs coming in ... keep tabs on them and get them into the fold.*

**What are your specific duties as executive director? Are there areas where you would like to increase your involvement or play a larger role?**

I've got a two-page list. My day-to-day responsibilities are the oversight of the organization to help manage those committees with the jobs they are doing, such as the legislative, conference and technology. I also am the contact person for KACP. If you call, you get me.

**How often do KACP members and staff meet?**

The way the constitution is set up, we have six general membership meetings per year and four executive board meetings. We are dealing with an organization that is statewide, so we have people driving from Paducah and all the way from Hazard to attend meetings. So we try to put it in a central location so it's not a burden on anybody to drive a long distance. Usually we have them in Elizabethtown, Lexington or Louisville. If you hold one down in Paducah, you're going to lose the eastern folks, and if you have one in Hazard, you're going to miss the western folks. So we try to plan it centrally.

**What do you see as the current strengths of KACP?**

My predecessor, Michael Bischoff, has done a great job. I can't thank him enough for his years of service. He has built up the

accreditation program, which now is the backbone of the chiefs' association. We started in the early years with just a handful of organizations being accredited every year. This year we're looking at more than 30 being accredited or reaccredited at this year's conference. That's a huge amount. We have one going for its fourth, five-year certificate. We always are glad to get the newcomers for the first time around. But regardless, it's still a process to get reaccredited, and that is a huge part of the program.

Another one of our strengths is looking at legislation and trying to keep our finger on what legislation is on the books, or being proposed, that will affect law enforcement, and what kind of impact it will have on Kentucky's officers. Most departments across the state have less than 10 officers. Louisville, Lexington, Bowling Green or Owensboro, may be able to handle a substantial impact, but for some of those smaller agencies it may be a financial burden or a personnel burden. So we try to monitor that to make sure that the laws being passed don't significantly impact those agencies adversely.

Networking and creating networking opportunities also is one of the association's major strengths. We have a great relationship with the Department of Criminal Justice Training's commissioner's office and support staff. We work with the sheriffs' association, the Fraternal Order of Police and other professional associations throughout the state. We might not agree on everything, but there are a lot of issues that we have in common. We can bond together and work together, and I think that is one strength.

We've been around since 1971 as an association. Since then, we've had some great presidents and great directors who have built those relationships. A lot of times at these meetings, since we are able to see each other face to face, when you pick up that phone and call someone, you know who you're talking to. You have that history, and it's just a great working relationship across the state. Kentucky is large, geographically, but people wise, we are a pretty tight-knit community.

**When you were a chief and part of the association as just a member and committee member, did you recognize >>**



PHOTO BY ELIZABETH THOMAS

▲ KACP accreditation personnel meet with University of Kentucky Police Department officials just prior to an on-site evaluation. The University of Kentucky Police Department is one of 79 law enforcement agencies accredited through KACP.

## >> that as a strength and did you see how close knit it was?

When I came as a new chief, you wouldn't believe some of the calls I made to the older guys asking, "Hey, what are you doing about this? I have this issue coming up, how would you handle it? Give me some advice." There were a handful of chiefs I trusted completely. I could call them up day or night and felt like I'd get good advice. It's a good mentoring program. We try to mentor new chiefs coming in, especially through our regions, and regional chairs keep tabs on them and get them into the fold. In many cases, there is no reason to reinvent the wheel. You can call other chiefs and ask what they are doing about this. As a young chief you may have personnel issues; those are some of your biggest headaches, and a lot of these chiefs have been through it. It's a great resource, and a lot of phone calls are made.

## Do you intend to further enhance these strengths to serve the chiefs and agencies across the state and how?

Yes, but it will take time. One of the things former Director Bischoff did was set up a non-profit, tax-exempt foundation where monies are used for training. Also, there is money for police survivors, families and scholarships. It's been set up, but not a lot of money is in there now, because the foundation is in its infancy. I would like to see that built up to where it's a viable

foundation, and we actually can start passing out some money.

I'm also looking at why membership has declined over the years. I think it is a function of the economy. A lot of agencies may have had their chief and several of those in the command structure either as a full, active member or as an associate member. I think some of those agencies have cut back with the economy, so we are seeing a slight decline. I'd like to see it stabilized so we don't lose any more. Hopefully, if it all goes well, we can get our membership up.

It currently costs \$95 for full-time active membership. That doesn't seem like a lot, but if quite a few of your folks in the organization are members, it starts adding up year after year — that's one of the places they start cutting.

I want to keep our training programs topnotch. Each region is required to have so many meetings per year and involve someone coming in as a training speaker for the day. We bring in topnotch training at our conference every year. We're involved with donations for Concerns of Police Survivors, Kentucky Law Enforcement Memorial Foundation and Kentucky Special Olympics. We try to keep a charitable side to us.

We work with a testing company that provides tests for recruits, supervisors and dispatchers. We offer that to our membership at a discounted rate. They

can do that through our website. It's a process where we try to professionalize those folks. Also, if you are promoting to sergeant, lieutenant or captain, they have tests for that too. It's a great system. It has worked really well the past few years. We have a good relationship. It's Tenard and Company out of Chicago and they are a reputable firm.

For our charities, we offer \$500 scholarships for our law enforcement students.

## What legislation is coming up or is of interest to KACP for Kentucky's law enforcement community?

We have a legislative committee with officers and chiefs assigned who have different levels of expertise. This year, we are looking at the enforcement side of drug laws. The hemp legislation is being pushed really hard at this point. There are some alcohol issues we are closely monitoring. Usually the folks in the legislative session will call to get our input. It may not be in written form, it may just be a thumbs up or down — or asking, "How is that going to affect you: Moderately? Substantially?" If it's a very serious situation, we will have boots on the ground in Frankfort in those sessions making sure we are heard.

## The role of accreditation manager has been moved into a separate position — how does the absence of that role allow you to better serve your clientele?



Years ago it was under two separate individuals. Then, when Director Bischoff came in, his expertise was in accreditation, and he was the accreditation manager, so it was a natural flow. When he came in as director, he took on the whole gamut. It has since gotten so large, it's probably the biggest full-time, part-time job we have. Shawn Butler is our new accreditation manager, and he worked with Mike Bischoff for a number of years. He's a great guy, and he's going to do a great job. I can't think of anybody better to put into that position. It's not my area of expertise. I'd be on a huge learning curve to try and step in and do that along with everything else. I think it needs to be split because it has grown so large. You are talking about more than 30 agencies this year alone. They go onsite and do a pre-inspection visit. They also do an after-site follow up. Some agencies ask them to come in before. You may make three to four trips per agency, and you multiply that by 30 agencies. Then there is all the paperwork involved. There are policy manuals to review and onsite inspections. The number of hours that entails is huge. It's a great asset to the association, but to me, it needs to be split because it does take a lot of time and a lot of energy.

Also, it gives me more time to focus on those areas I talked about — the membership, legislation and fundraising. I can give more attention to that. I'm in charge of putting the meetings together, which includes scheduling, agendas and minutes. I can't imagine doing both. It gives me more time to do the things I'm comfortable doing.

**Do you know, approximately, the consistency or rate at which the executive director will be called directly by chiefs across the state for advice or questions?**

By the volume of my phone calls and emails, it is pretty substantial. I can field a lot of calls and email in a day's time. Our conference is in July, but we have a lot of vendors getting ready. Our conference information is on the website, but sometimes they go to the "contact us" section, and I get those. So I just field them back to the website. 🙄

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Abbie Darst can be reached at [abbie.darst@ky.gov](mailto:abbie.darst@ky.gov) or (859) 622-6453.

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## Butler Takes Position as KACP Accreditation Manager

Independence Chief Shawn Butler has served as a police officer for more than 27 years. He is a graduate of Northern Kentucky University with a degree in law enforcement, and he has completed the Criminal Justice Executive Development Program. In 2004, Butler was named "Kentucky Police Chief of the Year" by the Kentucky Association of Chiefs of Police. In 2005, Chief Butler graduated from the FBI National Academy, Session 220, in Quantico, Va.

Butler's involvement with the KACP Accreditation Program began in 1999 as the accreditation manager for the Independence Police Department and as an assessor for KACP. He has been involved with the program for more than 13 years, and performed more than 75 assessments of agencies completing the program. Butler also has taught a class with Mike Bischoff for the past three years, teaching agencies how to become accredited. ■

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Shawn Butler can be reached by cell phone at (859) 743-2920 or [Sbutler@kypolicechiefs.org](mailto:Sbutler@kypolicechiefs.org).

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# ASK THE EXPERT



This is the first of a new series answering your law enforcement questions. Have you ever attended a class at DOCJT and thought of questions later for the instructors? Worked a case and needed advice on an issue you encountered? Wondered how other officers handle issues you face regularly? Send your questions to Kelly. Foreman@ky.gov, and in each issue, our qualified experts will answer them for you and the rest of our law enforcement community.



## Dear expert,

**My agency would like to develop training opportunities for our officers in house, but we have limited time and money. How do you suggest we implement increased training with the limitations we face?**



**PATRICK MILLER** | INSTRUCTIONAL  
DESIGN SECTION SUPERVISOR

That's a great question. In order to get the biggest bang for your proverbial in-house training buck, you must first identify where to focus your available resources. Training dollars should be spent to address performance deficiencies or concerns within the organization. A true training need is where personnel lack the necessary knowledge, skills and/or attitude to do job tasks effectively. Many agencies make the common mistake of spending limited training resources on non-training related issues. Therefore, make sure you know what training is needed before looking at your options.

Once you determine the training needs, your next step is to identify training options that are available. Obviously, free trainings from certified training organizations like the Department of Criminal Justice Training are commonly used to meet certification requirements. However, there may be issues limiting the law enforcement agency's ability to take full advantage of these opportunities. Sometimes the agency's specific training needs are not offered by these free training organizations. Other times, officers' schedules or travel costs may keep the agency from sending people to needed training.

If sending people to training is not an option, I would recommend that you look at free Internet-based training options. Depending on your training needs, there are many options available. Government agencies are a great training resource. Many federal agencies such as the Federal Law Enforcement Training Center, Occupational Safety and Health Administration, Federal Emergency Management Agency, to name a few, often offer free training on a variety of topics. Employees can take these courses and print documents verifying the training for your agency's records. Similar to federal government agencies, there are many other well-recognized law enforcement organizations which provide training resources. Some of the ones I would recommend include the International Association of Directors of Law Enforcement Standards and Training, National Institute of Justice and Bureau of Justice Assistance. Remember, the Internet is a great place to find free law enforcement training, but make sure it is from a reputable source and the training is focused on your agency's actual performance needs.

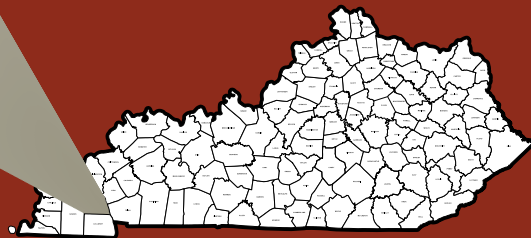
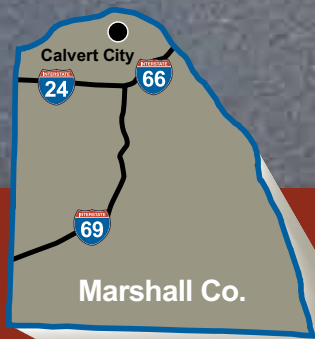
Finally, you may decide that there are no free- or low-cost training options available that will address your agency's training needs. Thus, you may want to invest in your own in-house trainers. This will allow you to tailor your training content to your specific organization and personnel. If you choose this option, make sure your trainers and training content are able to withstand liability concerns. The people you have as trainers within your organization need to be qualified (i.e., certified) to train on the topics they are asked to teach (i.e., firearms, defensive tactics, physical fitness.)

There are many organizations that offer instructor certifications for their training programs. Even though there is often a cost associated with sending someone to an instructor trainer course (unless offered by DOCJT), it is quickly offset by savings in travel costs. For general topic areas of instruction, I would recommend you send trainers to the DOCJT Field Instructors course. Instructors will learn training concepts such as adult-based learning, methods of instruction, how to research, legal issues and how to document training content with lesson plans.

*Government agencies are a great training resource. Many federal agencies such as the Federal Law Enforcement Training Center, Occupational Safety and Health Administration, Federal Emergency Management Agency, to name a few, often offer free training on a variety of topics.*

Now that you have qualified instructors, you need to assure they are using well-researched training content. Obviously, these instructors can use resources listed previously, but there are many other sources of law enforcement content that can be obtained without spending a lot of money. I recommend the National Law Enforcement Academy Resource Network and the Police Executive Research Forum. These are two very good sources of information, but many more exist.

As you can see, you have a lot of options available to provide low-cost or no-cost training within your organization. Just remember, the focus should be toward your agency's needs, make sure it is from valid sources and you can truly have a positive training impact. 🍌



# Community Calvert City





# Committed Police Department

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

When David Elliott interviewed for a patrolman position with Calvert City Police Department, the only thing he knew about the small town of about 3,000 residents was that he had to drive through it to get to the lake. More than 20 years later, the Paducah-raised chief has found there is nowhere else than the small-town community he'd rather police.

"We have six officers including myself," Elliott said. "We have six patrolmen, six detectives, six accident investigators — everybody does it all around here. I enjoy doing what I do. If I had to be [an administrative] chief all the time, I'd probably lose my mind. It's good to get out and patrol, answer calls, work wrecks and write tickets, because that's why I became a police officer."

Elliott only planned to stay in Calvert City a few years after leaving the U. S. Army, but found himself at home in the largely-industrial community. As he and his wife raised their family, Elliott found himself a part of a very close-knit second family at work.

"I'm just one person in a small department," he said. "I don't take too much credit for what we do. Those guys (the other Calvert City officers) are the backbone, and they make me and our department look good."

When they're not patrolling the city and helping community members, the Calvert City officers often spend their free time fishing, hunting and riding 4-wheelers together, Elliott said.

"It's a good thing, because, not only are they buddies at work, they are buddies off work," he said. "We all have problems outside of work and it helps that they can come to us, maybe not as the chief, but as a friend and say, 'Hey man, I'm having some problems here, what do you think?'"

For example, Elliott said two of the six officers' wives are expecting babies early this spring and the officers have expressed concerns about the agency being shorthanded when it's time for their new bundles to arrive.

"I tell them to sign their vacation slip and leave it blank," he said. "As soon as that baby comes, call me and we'll put you on vacation. That's important. That's something they don't need to be worrying about. They say, 'What if I'm working, what am I supposed to do?' And I tell them, 'If you're at work, you call me on your way out. I'll have somebody out, and we'll cover it.'" >>

>> The commitment the officers show to the agency might have something to do with the quality of the benefits they receive as Calvert City employees.

"Our pay is hard to beat," Elliott said.

"And our insurance — nobody has the insurance we have here."

Because of the industrial business within the city, the department enjoys a healthy tax base. Unlike many agencies struggling to get by, Elliott is able to provide his staff with a top-of-the-line benefits package, vehicles and equipment he says they deserve.

"I have pushed to get our pay compatible with larger agencies, but of course, it's hard, because we have six city council members saying, 'Nobody can touch your insurance,'" Elliott said. "That's true, but when you're hiring somebody young, they don't look at retirement and insurance. They look at how much you're going to pay them."

The support of city officials and the ability to supply all the benefits they can offer has helped Elliott develop a great team of officers, he said.

"When there's a slight indication that there is an opening, I get bombarded," he said. "Which is good. I don't have to go out and look for people. I can bring people in here who are good, seasoned officers."

In a small town, though, Elliott reminds his staff that unlike other areas where they may be able to leave their badge at home on the weekends, in Calvert City, you're an officer 24 hours a day, seven days a week.

"I don't care if you're in Murray and you're wearing shorts and you're at a ball game, act like you've got some sense," Elliott said he tells his staff. "Because people don't look at you as John Doe at a ball game. They say, 'Oh, there's one of those Calvert City officers, look at him acting like a dumb-dumb.'"

Luckily, it's not a reminder he has to make often because of the quality of men he employs.

"That's something you can't put a price on," he said.

This relationship among the officers doesn't stop short of the agency's front door. The mutual respect and passion to help others runs throughout the city's limits and out into the greater Marshall County community. The agency has an invaluable working relationship with the Marshall County Sheriff's Office, Kentucky State Police and the Kentucky Department of Fish and Wildlife who also police the area.

"It has been a blessing that we have a good council, and our mayor is excellent,"

Elliott said. "But I feel bad; times are just hard for everybody. We do what we need to do, and sometimes it's hard because we're small. But, [Marshall County Sheriff Kevin Byars] — if I needed anything, I'm sure he'd give me the shirt off his back. We've been purchasing a new Dodge every year as we're phasing our Fords out. The last Ford we had, Kevin needed another vehicle. So the city gave the sheriff's department that vehicle to help with his fleet."

## CRIME AND THE COMMUNITY

While Elliott notes they don't have much serious illegal activity, the officers do work their fair share of common crime — most notable are the drug complaints.

"Of course, we have the doctor shop-pers," he said. "Prescription fraud seems to be a problem. We have a lot of people who come down here and say, 'My medicine was stolen.' And it's the same people over and over and over again. We have marijuana, meth and we're seeing a little bit of a rise in heroin, which is odd. Back in 1989 we would run across that black tar heroin, then it phased out and the new drugs were coming in. Now I'm thinking, 'Have I been here that long that the old drugs are coming back into play now?'"



From left to right: Calvert City Police Officer Wes Babcock, Officer Mike Cannon and Chief David Elliott are part of a six man, tight-knit team that works diligently to improve their community.



But all in all, the agency is thankful to have time to devote to proactive policing. Elliott attributes part of the low-crime rate to the relationship the agency has with its people.

Community-oriented policing is a concept ingrained in Calvert City. Like many agencies, Calvert City officers participate in a neighborhood-watch program and patrol the city's Fourth of July Ameribration festival on bikes, 4-wheelers and foot patrol. They also talk with citizens at the local elementary school's Good Neighbor Night. There's one program, though, that is close to Elliott's heart.

"I've been teaching DARE for more than 20 years," he said. "It keeps one of our officers in the school. People say, 'DARE doesn't work, it doesn't do that, it doesn't do this.' Each year, we have three, fifth grade classes and average 20 kids in each class. If I can save one kid out of 60, I've done something. I'm not saying I can save every one of them or make an impact. But through the years, I have always said we're going to keep it, and we have."

One of the agency's most recent transfers, Officer Mike Cannon, taught DARE for his previous department.

"I'm going to have him help me this year, then maybe next year — mind you, maybe — I might let him do it by himself," Elliott said. "I get a kick out of seeing young, grown men and women who stop me and say, 'Do you remember me? I had you for DARE in fifth grade.' Now they've graduated from college and are doing well. Beth, my clerk, was actually one of my DARE students."

DARE is just one more way for Calvert City officers to keep a watchful eye over the community they serve.

"The community is our first line of defense," Elliott said. "That's where all the information comes from, is our community. If you have that intimidation factor from a department, that hinders investigations and the public wanting to talk to you. We still do school crossings in the mornings and afternoons, bicycle safety — we are in the school quite a bit and do a lot of things with the kids in the community. If you can keep the community involved and half-way happy with what you're doing, then you will have a good department and a good town to work in." 🍷

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Kelly Foreman can be reached at [kelly.foreman@ky.gov](mailto:kelly.foreman@ky.gov) or (859) 622-8552.

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For more than 20 years, Chief David Elliott has committed himself to the children of Calvert City through the DARE program. Not only does the program teach valuable skills, but it also increases the school's security knowing an officer regularly is in the school.

PHOTO BY JIM ROBERTSON



PHOTO BY JIM ROBERTSON



# HEROIN

## Kentucky's New Mass Murderer

**ABBIE DARST** | PROGRAM COORDINATOR



▲ Bags of black tar heroin, like these, are being seized in mass numbers by law enforcement in northern Kentucky and Jefferson County. Quickly taking the place of prescription pills as the drug of choice, heroin is claiming the lives of its addicts in unparalleled numbers.

PHOTO BY JIM ROBERTSON

In the corners of supermarket parking lots, in dilapidated public restrooms, at fast-food drive-thru windows and at grungy gas station pumps, Kentucky residents are losing their gamble on life. Star high-school athletes, beautiful teenage girls, successful businessmen, parents with their children in the back seat — found slumped over with needles sometimes still in their arms — are doped up and dead.

“This is killing people in numbers that are unparalleled to anything else that’s used or abused in our society,” said Bill Mark, director of the Northern Kentucky Drug Strike Force.

The culprit? Heroin.

A massive heroin addiction seems to have grasped parts of the commonwealth, especially northern Kentucky and Jefferson County, where the Administrative Office of the Courts reports that in 2011, Boone, Kenton, Campbell and Jefferson counties alone made up nearly 85 percent of all heroin-related court cases in the state. Law enforcement officers and community leaders are struggling to keep up as they search for effective ways to loosen the drug’s grip on their towns and citizens.

#### THE SLIPPERY SLOPE

For several years, Kentucky has been battling prescription pill addiction. Through

legislation, a crackdown on the ‘pill pipeline’ from Florida and putting pill mills and corrupt pain clinic doctors out of business, Kentucky’s oxycodone addicts have been forced to find another fix for their intense opiate addictions.

“Cracking down on doctors handing out pills like jelly beans at Easter means that pills aren’t readily available anymore,” said Bellevue Police Capt. Jimmie Poynter. “So, as drug abusers do, they move from one to the other, and heroin is our thing. It’s gotten so cheap, they can buy heroin cheaper than prescription pills.”

Like oxycodone, heroin is an opioid, making it a natural and easy transition for a person already addicted to Oxycontin or Opana. For example, a December 2012 Louisville Metro Police Narcotics Division report said that the average price for a 40 milligram Opana tablet is approximately \$150, with many addicts using up to four tablets per day — a \$600 per day habit. Whereas heroin is available for approximately \$25 per bag, meaning that a daily habit of four bags is only \$100.

“A lot of our education efforts are targeted at teens, and the message we try to drive home is to prevent prescription-drug abuse because we see it as the slippery slope that will lead to heroin,” Mark said.

Despite the similar opiate origin of oxycodone and heroin, the drugs differ greatly in control. Prescription pills have been >>

*Like oxycodone, heroin is an opioid, making it a natural and easy transition for a person already addicted to Oxycontin or Opana.*





>> legitimately created by pharmaceutical companies with rigid standards.

“With heroin you never know how much it’s been stomped on, or diluted,” Bellevue Patrol Officer William Catron said. “[They] used to take an Oxy pill and knew what it would do to [them], but [heroin] is like buying an Oxy pill from some unlicensed pharmacist who has no idea what he’s doing when he makes it.”

“Because there is no control over the quality or purity,” Mark agreed. “You can have an individual used to buying a half gram from one dealer, then gets a half gram from another dealer and puts it in his arm and 10 minutes later, he’s dead.”

An upsurge in overdose deaths and hospital admissions can be a mark of

heroin moving into an area. The sole hospital provider for northern Kentucky, Saint Elizabeth Healthcare, saw a 77 percent increase in emergency department overdose admissions from 2011 to 2012, Mark said. In northern Kentucky alone, between June and August 2012, the Kentucky Medical Examiner’s Office reported 51 drug overdose deaths, 42 of which were from Boone, Kenton and Campbell counties.

The growth of heroin use and availability is staggering. In 2008, Louisville reported only 32 heroin-related arrests. By 2010, that number nearly quadrupled to 120 arrests and, as of Nov. 24, 2012, Louisville Metro police had arrested 676 individuals on heroin related charges just in that

year. Likewise, their heroin seizures have skyrocketed. A little more than 123 grams of heroin were seized in 2008, compared to 28,683 grams in 2011.

But getting a handle on the issue could prove more difficult than that of prescription pills, LMPD Lt. J.T. Duncan said.

“When we went after doctors and pain clinics, you had a lot of doctors over prescribing to 300 or 500 people — that’s a lot of victims,” he said. “Taking out one bad doctor or pain clinic made a big difference. But taking out one heroin pusher, you’re only taking out a supply to 10 to 20 people.”

#### THE RIPPLE EFFECT

And for the users lucky enough to escape death, they are the root of a wave of other



# Defying Death

If there ever was a drug that could literally bring people back to life, Narcan is about as close as you can come. Narcan (generic name *naloxone*) is an opiate antidote. Opioids include heroin as well as prescription opiates like morphine, codeine, OxyContin, methadone and Vicodin. Narcan is a prescription medicine that blocks the effects of opiates. If a person has taken opiates and is then given Narcan, the opiates will be knocked off the opiate receptors in the brain, reversing the effects of an opiate overdose, including restoring breathing that has stopped or slowed down.

Death typically does not occur until several hours after an opiate overdose, which provides a window of opportunity for witnesses to intervene by calling 911, allowing rescue squads to administer Narcan.

"If it weren't for Narcan, we'd have dead people lying all over the place," Bellevue Police Capt. Jimmie Poynter said. "You go up and inject them with it and within a minute, they come up fighting. I've gone to houses where [the drug abuser] is cold and blue, then Narcan came around and the squad comes in and says let's try this. Suddenly they were brought back to life. You really have to see it to believe it."

Narcan is usually given by injection into veins or muscles and generally works within about five minutes. Narcan cannot be abused or used to get a person high. If given to a person who has not taken opiates it will not have any effect on them.

"Sometimes you'll have someone come up fighting mad because you ruined their high," Covington Police Specialist Justin Tucker said. "And you think, 'But I just saved your life.'"

Narcan starts to wear off after about 30 minutes and is mostly gone after about 90 minutes. By this time the body has metabolized enough of the opiates that the user is unlikely to stop breathing again. However, in some cases — such as after taking a massive dose or long-acting opiates like methadone — the patient might need another dose and longer medical observation. ■



Even small communities like Bellevue are no stranger to the effects of the heroin epidemic threatening northern Kentucky. Capt. Jimmie Poynter and Officer William Catron are among those working hard to target users and dealers and drive them out of their town.

PHOTO BY JIM ROBERTSON

criminal activity plaguing these Kentucky communities.

LMPD's Narcotics Division reported that in the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> divisions they have seen a dramatic rise in heroin-related crime, with an estimated 60 to 80 percent of property crimes being committed by heroin users. The 7<sup>th</sup> Division reported dealing with offenders as young as 15 addicted to heroin.

And the story is the same in northern Kentucky communities.

"We saw a spike in burglaries," Bellevue's Poynter said. "And not your typical burglaries where they ransacked the house and stole TVs. They were going to specific locations to where a specific gun collection was stored ... they walked past laptops >>

▼ Bridges spanning from Cincinnati to northern Kentucky towns act as drug locomotives, easily allowing heroin to infiltrate communities, large and small, throughout the northern Kentucky area.



PHOTO BY JIM ROBERTSON

>> and even cash. They are targeting family members because they know what's there and where it is."

Bellevue's Catron agreed.

"They are all very similar, going for jewelry." He said. "Three of the last four burglaries we worked and solved have been drug related. The first two things we look for are jewelry and pills. Jewelry is easy to pawn without having too much information."

Bellevue also has experienced theft from vehicles and armed robbery, which pointed back to heroin abusers stealing to support their habit.

"They'll do anything, absolutely anything to get the drug," Catron said. "That's where prostitution comes in — girls know they can do that and make \$50."

"These are beautiful young girls that had the world," Poynter added. "They could have married a nice guy and settled down, and for whatever reason they got hooked. Now, they trade sex for heroin and are doing prostitution to support [their habit]."

Covington also is dealing with an ever-increasing prostitution problem related to heroin addiction.

"Prostitution is a big one we've targeted because they're doing it because they are addicted, not because they want to — it's not necessarily a life choice," Covington Police Chief Spike Jones said. "I talk to my officers about recognizing that."

"In turn, prostitutes tend to know everything going on in the city," he continued.

"They are the eyes and ears on the street. If there is a homicide within a few blocks, a prostitute will know who's involved or have heard of someone who's involved. They are a huge source of information. We are targeting them for those reasons as well, because we can derive a lot more information when they choose to cooperate, seek treatment and get help."

Kentucky's heroin issue does not have the same face that most would expect. Demographically it's across the board, Mark said.

"Men, women, inner city, suburbs, affluent families — everybody," he said. "There really isn't a part of the region that is untouched by it. It's frightening, really frightening."

Covington Chief Jones recalled public service announcements from the 1970s that depicted heroin junkies in alleys, disheveled and laying in gutters.

"That's not the people we are seeing addicted to heroin today — it's a completely different demographic," he said. "It's way cheap, cheaper now than pot. And apparently the first few times the buzz is really good, very intoxicating. But after that, it's just about getting well — that's the horrible thing about it. Soon they're not so much doing it to get high as much as to get well, to keep their feeling of normalcy and keep from withdrawal. Too much heroin can kill you — going through withdrawal can kill you."

## 'THOSE DARN BRIDGES'

But with the steady supply of heroin coming out of neighboring Cincinnati, an addict looking for his or her next fix doesn't have to search very far.

"Most of our heroin comes from Cincinnati," Catron said. "Most of our people are users, we have very few dealers and the dealers we do have are smaller scale. Though, we did just get somebody with 9.6 grams."

"He was moving his way up the chain quickly, and he was on our radar," Poynter added.

Cincinnati law enforcement struggles to combat it because it takes too many resources, Poynter said.

There are numerous bridges connecting Cincinnati to northern Kentucky towns, making heroin deals quick and easy. Dealers cross the bridge, meet for a sale in a gas station parking lot, and are back on the interstate to Ohio in a matter of minutes.

PHOTO BY JIM ROBERTSON

▼ Covington Police Chief Spike Jones has spent countless hours trying to figure out how to attack the heroin issues facing his community. He says partnerships and dedication are the only ways to battle the widespread addiction.



PHOTO BY JIM ROBERTSON





“Almost any person you talk to says they got it from a guy in Cincinnati named J or A,” Poynter said. “The dealers are constantly changing their names and phone numbers ... so you can’t pinpoint them. We try to get the ones we know are selling here.

“Heroin is a problem here because anybody can drive over (to Cincinnati) on Ray Street or Montana and pick up heroin on any street corner and drive back,” he added. “It’s that easy to get. Literally, you can go over there in a car, and they’ll approach your car. That darn bridge — but if it wasn’t for the bridge, we’d have bodies washing up. People would try to swim across to get it.”

Recognizing the bridge to Cincinnati as the biggest problem, Bellevue officers are combatting the issue with an aggressive focus on traffic stops, Catron said.

“The heroin problem is so bad now that if I see cars go through our city with Pendleton County license plates, if they are going [east], they just left Cincinnati buying heroin,” he said. “They won’t come in Hwy. 471 anymore. They drop down and come in Route 8 because they think they won’t get stopped. Fort Thomas runs the heck out of the highway... so they know to stay off 471, and I-275. So we can bet anything coming through town with Pendleton County plates at an odd hour — they aren’t going to work. Everybody

else comes up the AA and 471 into town and doesn’t stop off here.”

Catron and other Bellevue officers typically look for multiple people in a car and other telltale signs that peak their interest. They use legitimate speeding, seatbelt and other minor violations to stop suspected vehicles.

“They make a lot of stops, but they make a lot of arrests out of those stops,” Poynter said. “We’re kind of blessed that we have the talent we do. [Catron] can take you down to the avenue and he can stand there and watch cars go by and tell you which ones have dope in them because of things he looks for and things that are always there.” >>





*Covington's D-Team is a plain-clothes patrol unit focused on street-level crime. The unit cracks down on prostitution, car theft, copper theft and other property theft — the trickle down of the heroin-abuse problem.*

>> For both Bellevue and Covington, getting a handle on the issue is a matter of changing their strategy to more effectively address the major issues facing their communities — steering away from an emphasis on community-oriented policing and placing more emphasis on enforcement and patrol.

"The biggest complaints we were getting were, 'There's drugs or heroin on the street,' or 'There are prostitutes in front of my house,'" Covington's Jones said. "So the question was, 'What would you rather have, an officer at your block-watch meeting or an officer on your street?'"

"That's hard because since the '90s we've had community action teams that

interact with the community, but we can't have both now," he continued. "So I asked the community, 'What is more important to you right now?' They said, 'I'd rather have a cop at my doorstep when I call, than a cop at my block-watch meeting.' ... So we've taken that unit and turned it into D-Team by adding assets from our Narcotics Unit and others."

Covington's D-Team is a plain-clothes patrol unit focused on street-level crime. The unit cracks down on prostitution, car theft, copper theft and other property theft — the trickle down of the heroin abuse problem.

Even with a focus shift for the department, Jones said it still is not a cure

because they are addressing a societal ill as much as crime.

"It has to be a multi-faceted approach," he said. "It will require a lot of collaboration and figuring out how to work more with federal government partners and the state legislature to make it more difficult for people to come into Kentucky to use these drugs. That's what really is going to trip this thing."

"It is possible," Jones continued, "but I'm not foolish enough to think that I can do it. It will take some dedicated and really motivated folks to beat this." 🍷

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Abbie Darst can be reached at [abbie.darst@ky.gov](mailto:abbie.darst@ky.gov) or (859) 622-6453.

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Covington Police Officer David Hoyle and Specialist Justin Tucker have become adept in perceiving and catching prostitutes. Prostitution is one of the growing issues facing Covington, which is directly related to heroin addiction. It is a means to obtain money to buy the drug.

PHOTO BY JIM ROBERTSON



# Heroin in Eastern Kentucky: 'It's just a matter of time'

DALE G. MORTON | OPERATION UNITE



Heroin often is sold in tiny, colorful balloons. Some dealers have been labeled Pez dispensers, because one person in the car with the driver will hold these small heroin-filled balloons in his mouth and spit them into the buyer's hand when the deal is made.

PHOTO BY JIM ROBERTSON

**H**“Hillbilly Heroin” began devastating residents throughout southern and eastern Kentucky more than a decade ago, leading to the region being dubbed the “Prescription Painkiller Capital of the United States” by the *Lexington Herald-Leader* newspaper.

OxyContin and other forms of opioids still dominate the rolling hills and continue to be the drug of choice, according to officials with Operation UNITE (Unlawful Narcotics Investigations, Treatment and Education), created in 2003 in response to the epidemic. With tougher laws aimed at curbing prescription drug abuse and diversion, officials in the region believe things are about to change.

Other areas of the commonwealth have seen a rise in the use of heroin — which mimics the high of opioids for about the same price — UNITE and local law enforcement agencies are preparing for the inevitable.

“Heroin is slowly creeping into our region,” said Paul Hays, law enforcement director for UNITE. “As new legislation and tougher state and federal enforcement has cheated availability, people are looking for alternatives. While we’re not seeing a lot of heroin use, we are educating ourselves and bracing for it. It’s just a matter of time.

“We have been receiving information and buying heroin in the Rowan County area for about a year, and there are signs dealers are operating in Lawrence and Magoffin counties as well,” Hays continued. “We are seeing pockets of activity throughout the rest of southern and eastern Kentucky.”

Pills are still plentiful and easily available, reducing the need to seek other sources for a cheap high, Hays said, adding typically heroin is making a presence in communities where a dealer has an out-of-state source for the drug.

“Most heroin imported into Kentucky comes from northern states,” Hays said. “The pipeline follows a trail from a source to an established dealer. Many of these are family connections.”

An indicator of the popularity of any drug comes from UNITE’s drug treatment line, which fields more than 1,200 calls per month.

“During our screening process we ask what drugs they are using,” said Amy Yates, UNITE’s treatment director. “Although we are hearing that heroin is out there, at this time, heroin has not progressed enough for our department to be seeing anyone reporting its use.”

For more information about Operation UNITE visit its website at [www.operationunite.org](http://www.operationunite.org).



Lexington Division of Police  
Sgt.

**Billy Richmond**

ABBIE DARST | PROGRAM COORDINATOR



**S**gt. Billy Richmond was so eager to become an officer he applied at age 18. Three years later, in June 1990 and just barely 21, he joined the Lexington Division of Police and turned his dream into a dynamic 23-year career. Having served on patrol, Fourth Platoon, homicide and now traffic, his excitement and enthusiasm for his work has never been squelched. Driven by his passion for helping the people of his community, Sgt. Richmond says he is eager to get to work each morning. Richmond is married and has three children, ages 22, 18 and 11.

**The supervisor over traffic asked me about coming to the traffic division.** I said, 'I'm not interested.' He said, 'We'll give you a new Harley.' And I said, 'Well, I'll be there Monday.' And I've been here ever since.

**Now just for straight up fun, the motorcycles are a blast.** Everybody thinks it's a glamour job — well try it on a freezing winter day, or when it is 100 degrees and you have boots up to your knees. There is nothing glamorous about it. But there are those days when it's 75 degrees out and you're in short sleeves just kind of breezing down the road and I think, 'I can't believe they're paying me to do this.'

**There was a homicide, at a trailer park off Gibson Avenue.** I was a training officer, and I contacted my supervisor and said, 'For training purposes can I take this new officer over?' They put out ATs (attempt to locate) on the shooter and other guy. As we're getting there, guess who we see? We bail out and get in foot pursuit. Several blocks later, I end up catching the shooter. I bring him back to the scene and the sergeant over homicide said 'I'm going to request that you get transferred over to homicide to work this case.' I said 'That's great, but I don't want to. I like what I'm doing. Here's your guy.' But, lo and behold, I got transferred. I ended up staying for seven years. I had a good run with it. It's good work.

**People used to ask me with the homicide stuff — how do you do that every day?** How do you keep your sanity? I don't know, even some of the unpleasant things I can consider favorites because just having the ability to walk in and say to a family,

“*The supervisor over traffic asked me about coming to the traffic division. I said, 'I'm not interested.' He said, 'We'll give you a new Harley.' And I said, 'Well, I'll be there Monday.' And I've been here ever since.*”

'Hey, I have some answers about your loved one.' It's not pleasant, but that was something that motivated many of us.

**There is one case that sticks out to me.** A little boy, four months old, was basically beaten to death. I worked that case; I remember his name. He laid up in ICU for a week, and no one came to see him. I would go sit with him every night when I was off duty, and rock him and hold him. He lived seven days. I went and did everything — as a human being, not as a police officer. That is something you don't walk away from and forget about. I think of that little boy every day. I look at my own kids and think about how grateful I am.

**There are other things like when the firefighter was shot and killed** — Brenda Cowen — I knew Ms. Cowen. I was one of the officers who carried her out. There was nothing we could do for her. That was a very difficult day. Sometimes you don't recover. You can't escape it.

**On the flip side, there are some very good things.** When I worked the projects, some of those kids needed just a little kick in the pants, some guidance or just somebody to care. And you make friends with those little guys. I see them now as adults and they run up and remember.

**Our shift would end at 2 a.m. We'd walk the projects from 2 a.m. to 6 a.m.** It was nice to have the overtime, but a lot of us did it because that was when we could catch the bad guys. That's when we could get the dopers and the guys up to no good. But then I think back to when my little girl was small. I was gone probably 95 percent of the time, even though I was just across town. I wanted to do

everything in my life to make her world better, but her world sometimes was lonely because I wasn't there to share it with her.

**Sometimes you think you can change the world as a young officer.** And you go out and you do everything possible to change the world. Then as time goes on, you realize you are arresting the same people, answering the same calls, seeing the same things. You have to be able to separate and understand that there is life beyond being a police officer. Now after almost 23 years, I look at the job as I can't change the world, but when I put this uniform on, I'm going to do everything I can, and do what I'm supposed to do every day. And when I get home, I'm me.

**There are things that we get to do as police officers** that every day, normal people never get to experience. I met President Bush when he came to Lexington for a vacation. Two other officers and I got to stand out in the driveway with him for 15 minutes just shooting the breeze. How many people could ever say they met a former president? I've met Bill Clinton probably five or more times. He knows me by first name, if that tells you anything.

**Now my little one is a piece of work.** He's made the comment that he'd like to be a police officer, soldier or Navy Seal. He's been shooting since he was 5 or 6 years old. Both of my boys love to hunt. He's very adventurous. Right now, he still likes to play cops and robbers. Matter of fact, he wanted a real set of handcuffs for Christmas. I think he would be my best hold out if we had another officer in the family, and he'd probably be a good one. 🐾

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Abbie Darst can be reached at [abbie.darst@ky.gov](mailto:abbie.darst@ky.gov) or (859) 622-6453.

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◀ Members of the Clinton County/Albany Special Operations Response Team practice a bus assault. The SORT members are committed to practicing every week to keep up their skills.

▶ SORT members from left, Josh Asberry, Ricky Marcum, Travis Denney and Brad Cross enter Albany Elementary School in a four-man formation. Marcum says practicing for school-based scenarios is their top priority because the investment in children is needed most.



# TAKING RESPONSIBILITY

ABBIE DARST | PROGRAM COORDINATOR

*"We have to be responsible for us," said Albany Police Officer Ricky Marcum. "We are the police in this county, and we have to be responsible for our county. If not us, then who?"*

**M**arcum and his four team members' passionate sense of responsibility has been the driving force behind their newly-created Special Operations Response Team. Comprised of Albany Police Department officers, Clinton County sheriff's deputies and a tactical medic, the SORT is the only special response unit in the area, apart from the Kentucky State Police.

"We used to depend on KSP for SWAT," Clinton County Sheriff Ricky Riddle said. "We don't have time to wait two hours for a response team to come from another county to take over. We can rely on ourselves now."

"That independence brings a level of confidence that you just don't get until you have it," Marcum added.

Early last fall, Albany officers Marcum and Brad Cross and Clinton County sheriff's deputies Steve Martin and Josh Asberry decided to take their fervor for their community, their rapid deployment skills and their brother-like camaraderie and begin honing and refining the skills they had learned through training and experience. Soon, that extra training and skill building became an every-week regimen.

Every Wednesday or Thursday, for four to five hours, these men assemble at a local church or in the city's elementary school,

training for active-shooter incidents, breaching and threat mitigation. Each member of the team is basic SWAT certified.

"We train a lot on active shooter events because we feel that of all the assets we can invest in, the investment in our children is needed most," Marcum said. "My wife works [at the school,] my children [attend] there and a lot of the guys' kids [attend] there, so our philosophy is whatever it takes to keep them safe."

For Albany Elementary School's principal, this philosophy strikes a reassuring chord.

"To hear all this and see it in action makes me feel better as an administrator; it puts me at ease," Principal Tim Armstrong said. "Now I know what to expect and can better prepare my staff, knowing what [the police] are going to do."

Albany Elementary has taken numerous measures to increase school safety throughout the facility.

The SORT also has received tremendous support from the mayor, chief and sheriff, especially as far as weapons are concerned, Marcum said, but each team member volunteers his time for several hours each week to be a part of this team.

"We don't get paid for this, there is no compensation," Marcum said. "For us, it's just a good way for fellow officers to get together and ... do something that benefits the community. That's what did it — pride in our community."

"If we met once a month, that wouldn't be good enough," he continued. "All the guys on the team are committed, and we're there. Some work late into the night and at 8 or 9 on Thursday morning, they're there. You can't train that. That's heart — you develop and acquire that through training."

Despite the fact that Albany is a relatively small community of just a few more than 2,000 residents and Clinton County is one of the smallest counties in the state, SORT officers never assume that their community is too small for a serious and devastating event to occur. >>



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>> “People say we’re a small town, we’re not Richmond or Lexington, but people get killed in small towns every day,” Cross said.

“Newtown (Conn.) was not a real big town,” Marcum agreed. “So, you have to train. If you get into law enforcement and think, ‘It will never happen to me’ — woe be to you. That’s when things fall apart.”

For the members of this team, the tragic December 2012 shooting at Sandy Hook Elementary School in Newtown, Conn., solidified their reasons for the extra effort they extend.

“It kicked us into high gear,” Asberry said of the shooting.

“It was tragic and unfortunate, and any one of us ... would take the place of the children there,” Marcum added. “But it motivated us and made people realize that this is not going away. We need to get serious about our training. We need to get motivated and make an effort toward stopping these things from happening. We can’t always stop it, but we can do our best to stop it when it begins.”

#### EVERYDAY USE

Though large, dreadful incidents may fuel their desire, SORT team officers also know that the skills they train on each week make them better prepared to handle any incident they may encounter on a normal shift.

“On any Friday night or weekend night, if something bad happens during a work shift, we know exactly what the others are going to do,” Marcum said of the other officers who typically work similar shifts. “There won’t be hesitation or confusion. I know these guys have my back, and we can go in and finish the objective.”

Marcum cited the high rate of drug use and meth labs in the county as a prime example. Drugged and deranged individuals quite often become aggressive, and many of the officers have been involved in hand-to-hand confrontations and been successful, he said.

In addition to their typical SWAT-type training, such as breaching and room clearing, SORT members regularly train

▼ Tactical Medic Travis Denney covers the rear of a four-man team entering Albany Elementary School. Denney teaches SORT members skills acquired in his 23 years of military experience.



PHOTOS BY ABBIE DARST



in hand-to-hand combat, ground grappling and gaining control of a suspect in a ground altercation.

There is no singular method the SORT team trains in, and each member brings the strength of a varying skill set to the table. Marcum has an extensive background in martial arts and Denny has 23 years of military infantry experience to share with the group.

"What we do is not the way, it is a way — it's our way and it works well for us," Marcum said. "I would encourage any team operating that if [what you are doing] is working for you, then go with it, and if it's not working for the team you have, then throw it out the door.

"We think outside the box — all good officers should," Marcum continued. "We don't have a lot of tools and we don't have a lot of resources, so we make what we need. If we need extra target stands, we make them. If we run out of flash bangs and diversionary things, we use golf balls. We can't do a lot of things that those with finances can, but we improvise, adapt and overcome."

"You have to have confidence and trust in your team," Cross added. "That's the most important thing."

Asberry agrees.

"I've trusted these guys before, and in situations I've been in before, they've been there," he said.

The trust they have has been forged over years of working and hanging out

together, and through consistent training to keep their skills sharp.

"If you take a 40-hour rapid deployment class and then go home and put the book away and you don't talk with your fellow officers and practice the skills, when it comes time and you're under fire and you're called to respond, those skills will not be there," Marcum said. "They will not pop up and say, 'Here I am.' You have to practice. If you're not practicing room clearing on a routine basis, as soon as you walk in that door, you will not clear the corner."

SORT members practice numerous scenarios, including single, double and three-man entry and each carries a 'go bag,' stacked with all their necessary gear. They know they are ready to respond at a moment's notice and prepared to take on whatever situation they encounter.

From the chief and sheriff to the SORT members and the school's principal, the people of Clinton County are like minded about the safety and security of their schools and community.

The SORT has taken that commitment and put it into action.

"To be a police officer ... you have to have a want and desire to do it," Marcum said. "If you lose that want and desire, you're failing the people that depend on you. We keep that desire burning, we keep it going." 🗡️

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Abbie Darst can be reached at [abbie.darst@ky.gov](mailto:abbie.darst@ky.gov) or at (859) 622-6453.

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▼ Acting as a human ladder, Albany Officer Brad Cross hoists Officer Ricky Marcum to get a clear shot of a moving suspect in a practice bus assault during one of the SORT's weekly trainings at a local elementary school.



## READY FOR ANYTHING

In order to remain ready for any situation, the members of the joint Albany and Clinton County Special Operations Response Team are dedicated to maintaining their physical fitness. Each team member commits to working out at least four days a week. In addition, they are looking to implement a required minimum fitness standard that would mirror the 80 percent Fit for Duty recognition recruits can obtain when graduating from the Department of Criminal Justice Training's Basic Training Academy.



## Sheriff Mike Armstrong

### Shelby County Sheriff

Mike Armstrong has served his entire 23-year law enforcement career at the Shelby County Sheriff's Office. He served as chief deputy from 1990 to 2002 before being elected sheriff and is now serving his third term in office. Armstrong attended the University of Kentucky and the sheriff's academy at Western Kentucky University. He and his wife, Audrey, have been married for 15 years and have one daughter, Miranda.

### SHARE SOME OF YOUR CAREER HIGHLIGHTS?

There have been many highlights in my career, but the ones I am most proud of are those that helped develop Shelby County Sheriff's Office from a very small six-person department to a 30-plus person department with 24-hour patrol that is self-sufficient. We have accident reconstruction experts, detectives trained to handle any case that comes to us and instructors on staff to train our department and other departments in special areas. We have stayed at the cutting edge of technology and purchased equipment which allowed us to be more efficient. It makes me very proud to look back at where we were and how far we have come. Other highlights include being elected sheriff for three terms after serving as chief deputy for 13 years. I have spent my entire life in Shelby County and to know my work ethic, morals and integrity were recognized by the citizens is a very high honor. After I was elected in 2002, one of our highest goals was to become an accredited law enforcement agency. Our policies and procedures were nowhere near where they should have been and our facilities were going to be a challenge in the accreditation project. It

I feel it is important for my personnel to know they have someone who is going to be their voice on issues that are important to them.

took us several years of long meetings and creative thinking, but in 2010 we were accredited. At that time we were only the seventh sheriff's office in the state to have that accomplishment.

### WHAT ADVICE WOULD YOU GIVE ON INCREASING MORALE IN AN AGENCY?

Keeping moral high for your staff can be challenging. I believe one has to always listen to employees and have an open-door policy. I have tried to foster a family-type atmosphere at our agency where employees feel they can talk about anything they have concerns with, whether it is work or home related, financial hardships. I realize my deputies are human and have issues going on in their lives from time to time. Helping them through those issues by giving good, sound advice, makes them feel more comfortable in the work place and provides a better atmosphere. Also, I try to fight for the things that are important to my employees, like pay, money for equipment and training opportunities. I feel it is important for my personnel to know they have someone who is going to be their voice on issues that are important to them. I have also found that setting goals for the department and posting internal positions for advancement also help with moral.

### WHAT STRATEGIES HAVE YOU TAKEN TO PREPARE YOUR OFFICERS IN DEALING WITH NATURAL AND MANMADE DISASTERS?

We have partnered with our local fire departments, emergency medical personnel and emergency management services on the state and local levels to provide mock disaster training. We sent several deputies to specialized instructor schools to help train on how to respond to certain types of emergencies. We have a great relationship with our

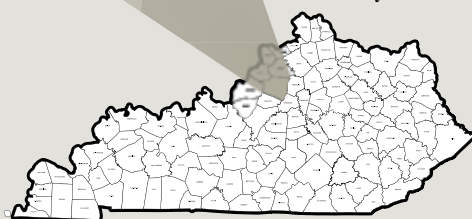
public school system, and we work with them in making our schools safe and preparing both law enforcement and the school system for disasters.

### WHAT IS UNIQUE ABOUT YOU AND YOUR WIFE, AUDREY, BOTH BEING IN LAW ENFORCEMENT?

Having my wife work with me has been a large part of my success. Audrey and I respect each other, and the jobs we perform. Having my wife understand the pressures of law enforcement and the stress that comes with running a sheriff's office is a great asset for our life outside the office. We understand each other's work-related issues and can bounce solutions off each other. Audrey has been a DARE instructor in the Shelby County school system for more than 20 years and has forged relationships with many of her students that have paid dividends. She also is the supervisor for our office staff and tax collection services.

### WHAT ARE THE LONG-TERM GOALS FOR YOUR OFFICE?

We want to expand the number of deputies at our department. The population of Shelby County continues to grow, and we need to grow with it. We feel our equipment and technology are close to where they should be, but in the ever-changing world of technology it will be our goal to stay on top of the changes. It also is important to never be complacent, we want to re-evaluate our department, our community needs and make changes wherever necessary.







## Chief Bruce Marklin

### Elkton Police Department

Bruce Marklin began his law enforcement career in 1976 as a deputy sheriff with the Todd County Sheriff's Office. In 1982, he joined the park rangers serving until 1987. During his tenure, he served at the Jefferson Davis and Pennyriple state parks. Marklin joined the Elkton Police Department in 1988. He graduated from the Department of Criminal Justice Training Basic Training Class No. 210 where he was awarded the 110 Percent Award and recognized as class leader. Marklin has an associate's degree in Applied Science from Hopkinsville Community College. Prior to beginning his law enforcement career, Marklin served in the U. S. Marine Corp. from 1972 to 1976. He and his wife, Linda, have been married for 33 years and have two daughters, Lesley and Lori, and three grandchildren.

#### WHAT IS THE HIGHLIGHT OF YOUR CAREER?

The highlight of my career was in 1995 when I was asked to attend the DARE training class. This class was one of the most intense, and yet rewarding, classes I have taken. After successfully graduating the class, I have educated the children of our community about the effects of drug abuse and the positive side of staying drug free. I feel this is a way to have a positive influence on the kids and help them stay drug free for life. Todd County is a small, rural county that has a drug problem, with approximately 80 percent of our crimes being influenced by some form of illegal drug activity. The Elkton Police Department works with other law enforcement agencies in an effort to make Todd County a better, safer community for all our residents. The reason I entered law enforcement is to help people and make a positive difference in the lives of our citizens.

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#### WHAT ADVICE WOULD YOU GIVE TO LAW ENFORCEMENT EXECUTIVES ON INCREASING MORALE?

Communication is key to every aspect of the job. It is necessary to keep every employee abreast of activities as well as what is expected of him or her. Good communication enables all employees to have a better understanding of the goals and operations of the department. I feel it is important to meet with my officers as much as possible. Maintaining an open-door policy increases the ability to communicate throughout the department. Our agency consists of officers with 20 years or more service, and each officer brings a wealth of information and knowledge to the table. By effectively communicating with officers, you gain valuable insight into their daily perspective of the job. Therefore, we can implement new changes which will improve the overall efficiency of the department, benefitting everyone. Along with good communication, providing the necessary equipment to accomplish the duties is paramount. Currently, our agency uses MDTs in the patrol cars, and we are currently working to obtain a take-home patrol car for each officer. We recently obtained a new digital radio system that has greatly improved our radio communications, not only county wide, but throughout surrounding counties as well.



#### WHAT STRATEGIES HAVE YOU TAKEN TO PREPARE YOUR OFFICERS IN DEALING WITH NATURAL AND MANMADE DISASTERS?

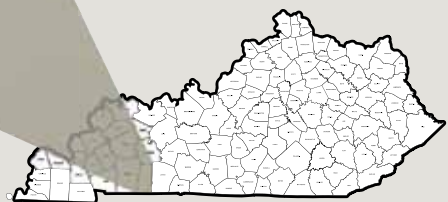
Our new digital radio system allows our officers to effectively communicate with all departments in our county as well as those in surrounding counties. Our agency endeavors to work with other agencies in both theoretical and practical crisis-situational training to ensure each officer is adequately trained to meet any emergency situation. Todd County maintains an operational emergency plan of action.

#### HOW HAS YOUR DEPARTMENT BENEFITED FROM DOJT CRISIS INTERVENTION TRAINING?

Because our community consists of a large elderly and special needs population, being trained in how to recognize and deal with certain medical and mental health issues on the first-responder basis is very important. This not only ensures the safety of our officers, our community and the person with special needs, it also ensures the person in need will be afforded the proper care.

#### WHAT ARE YOUR GOALS FOR THE DEPARTMENT?

It is my goal to have at least two officers on duty per shift. Not only does this make for a safer working environment, the community also benefits by the increased patrols and services rendered. I also would like to assign a school resource officer to each of the schools in our jurisdiction. I would like to create a crime scene unit within our department to further assist officers with their investigations. Along with these goals, I would like to see better pay for the officers as well as continued increase of technology for them to use in the performance of their duties.



# AIT

ABBIE DARST |  
PROGRAM COORDINATOR

# ARIDE:

## REDEFINING 'UNDER THE INFLUENCE'

### **The Advanced Roadside Impaired Driving Enforcement**

course will be offered multiple times throughout 2013.

Attendees must have at least 24 hours of standard field sobriety test training. The 24-person classes have already begun to fill up. As of publication, the following class dates still have availability:

- March 12-13 – Pikeville
- March 14-15 – Richmond
- May 14-15 – Williamsburg
- May 16-17 – Somerset
- July 8-9 – Richmond

**T**It's 2 a.m., and the bright lights in your rear-view mirror are swerving from lane to lane. They get closer, fall back, then zoom closer again. You instantly recognize the signs — "this guy is obviously drunk," you think to yourself, as you flip on your blue lights and begin to pull over the large SUV. After performing the three standardized field sobriety tests, you decide to test the driver on a handheld preliminary breath test machine to add to the confirmation of your suspicion. But to your surprise, he blows a .000 reading — there is no alcohol present in his system. What do you do now?

"If I looked at someone I thought was drunk and walked up to them with a PBT

and they blew triple zeros, then I would think (that person) had medical issues or was just tired," Jeffersontown Police Officer Brandon Gwynn said. "I wouldn't think drug impairment. It was a much bigger problem that was not addressed, and we were not taught to look for as strongly."

However, that was before Gwynn completed the Advanced Roadside Impaired Driving Enforcement program. ARIDE, a class that's been taught at the Department of Criminal Justice Training for about two years, was designed to bridge the gap in training between standardized field sobriety tests and the more advanced Drug Recognition Expert course. All Kentucky recruits





leave the basic training academy with a solid foundation on the three SFSTs, having spent 40 hours learning the tests, how to administer them, what to look for throughout the tests and experiencing a hands-on workshop with real individuals under the influence of alcohol.

"They get a lot of classroom working knowledge to do the SFSTs, but they haven't been on the street, yet," said DOCJT ARIDE Instructor Terry Mosser. "Once they get out there, they start seeing that the people they are pulling over blow relatively low breath tests on a PBT or Intoxilyzer, so they know there is an issue, but they are not sure what it is."

The 16-hour ARIDE program teaches patrol officers how to recognize exactly what is going on in these instances where alcohol does not appear to be a factor, but officers know something is not right. A National Highway Traffic and Safety Administration 2007 study showed that 16.3 percent of nighttime drivers cited for driving under the influence were drug positive. But, Mosser said these numbers are not reflective of the number of drug-impaired drivers potentially on the road who are not identified by officers who lack drug-impairment recognition training.

With Kentucky being the fourth most prescription-medicated state in the nation and seeing a rapidly increasing use of

*The main thing I took away from the class was how it helped with my testimony in court.*

heroin — with collected and analyzed samples from the Kentucky State Police labs up 211 percent from 2010 — there is no question that drug use and abuse is prevalent in the commonwealth.

ARIDE training enables officers to make the determination that a person is impaired, and whether the impairment is due to drugs or alcohol, Mosser said.

During the two-day course, participants learn:

- The seven drug categories and which drugs comprise each category
- The indicators of impairment given by someone under the influence of different categories of drugs and
- Advanced tests and evaluation techniques to determine whether an individual is impaired from drug use.

"Seeing the matrix chart that first day that showed the other advanced tests, I knew it was going to be a great class, but that it was going to be one that would be rather difficult," Gwynn said about his initial reaction to the ARIDE training. "I took the class because I wanted to build on the basics and make my cases that much stronger, but I was so impressed with the information presented that I knew on day two I wanted to pursue the DRE training as well."

In addition to advanced testing techniques, ARIDE officers learn how certain medical issues can mimic drug impairment and how to recognize the differences.

"I was glad the class was the way it was because it made me so much smarter in the aspect of recognizing if someone was impaired under a drug or narcotic as opposed to someone being tired and dosing off at the wheel," Gwynn said. "The main thing I took away from the class was how it helped with my testimony in court."

ARIDE training is a first step in the process of determining drug impairment. The next step is the Drug Recognition Expert training, which is more advanced, detailed

and technical, in order to determine exactly which drugs are present in impaired individuals and to what level they are impaired. However, DREs rarely are called in by road officers, and DRE exams are not given roadside. That's why ARIDE-trained officers are immensely important, Mosser said.

"These [officers] have enough probable cause to make the arrest, and they have the wherewithal and foresight to call a DRE in to do a drug evaluation after they have made the arrest," he said. "This has increased the amount of evaluations being done by DREs. So, we aren't missing as many folks driving drug impaired as we used to."

In fact, ARIDE training has proven so valuable, it is now a requirement for an officer to be considered a candidate for DRE school. Participation in the ARIDE class allows the instructors to see the students' aptitude and passion for the program and how they respond to the difficulty of the ARIDE program, Mosser said.

"This is the best class I've ever taken," said Gwynn, who completed ARIDE training in 2010 and went on to become DRE certified. "To be able to look at somebody, and just by looking at their eyes and body language, the way their face is, their speech and just their overall behavior and determine if they are impaired or not, is the main thing."

"Secondly, I can walk up and, based on looking at the [individual] in the first five seconds, determine if [he or she] is on a drug that will be harmful to me because of [his or her] behavior and attitude, and know if I need to be on guard, or if there is a possibility of there being needles or other paraphernalia I need to look for," Gwynn continued. "Since taking ARIDE and the DRE training, my drug arrests have gone up substantially." 🍷

Abbie Darst can be reached at [abbie.darst@ky.gov](mailto:abbie.darst@ky.gov) or (859) 622-6453.



# COULD TODAY BE YOUR DAY?

Within inches of tragedy, a bullet hole reminds one former Kentucky officer how quickly a day changed his life.

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

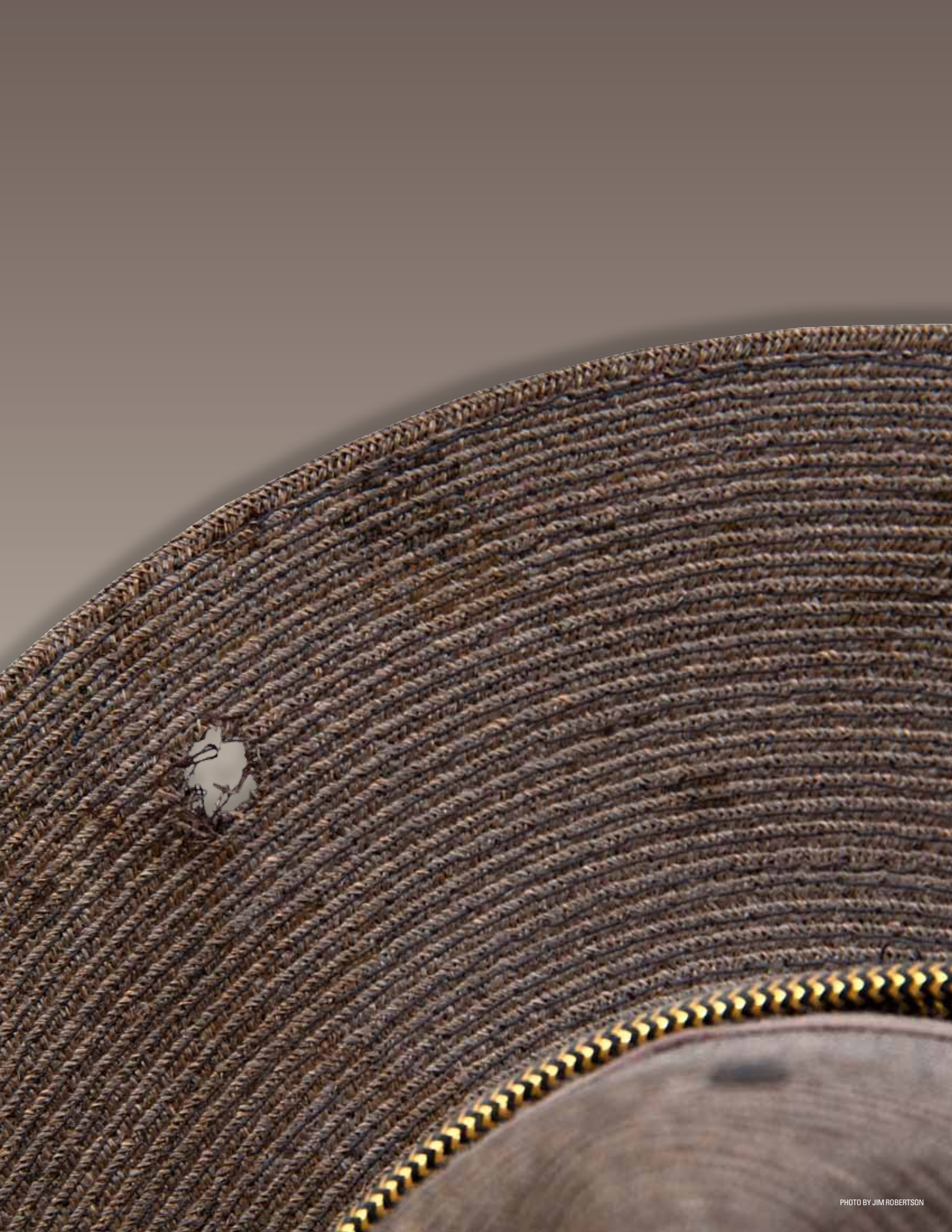
**L**aw enforcement is listed in nearly every occupational study as one of the most dangerous career choices. The Kentucky law enforcement memorial is a somber reminder of the dangers officers face each day. Yet, in the course of a career, those life-threatening situations may be few and far between. Eventually, the ordinary and routine start to settle in, and it's easy to think, "It won't happen to me."

But for these four Kentucky officers, it did happen. Their lives were forever changed in a matter of moments — a traffic stop, serving papers, a suspicious person and locating an impaired driver — moments that otherwise would have been considered run of the mill.

Each day, when you put on your badge and holster your gun, these men would like to remind you that there is nothing routine about law enforcement. And each day, as you step into your cruiser or answer a call, ask yourself, "Is today my day?"

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## 'NOTHING HAPPENS HERE'

During an unseasonably-warm October in Lawrenceburg, the whole town was on edge after a sexual assault at the local high school, said Lawrenceburg Detective Sgt. Mike Schell. It was 1997.

"That kind of thing really doesn't happen here," Schell said.

So when a man in his mid-40s showed up at the school looking for a former teacher, administrators became concerned. When they began asking him questions, the man ran from the school, Schell recalled.

"They called it in as a suspicious person," Schell said. "The funny thing is, earlier that day I had been patrolling and saw this gentleman walking down the street. It was a warm afternoon and he was dressed in a corduroy coat, which was odd dress for the day. I got that call, the description, and sure enough I saw him walking a half mile from the school. I got out with him and everything was going fine. I told him what the complaint was, he got a little ill and said, 'Why are you stopping me, I didn't do anything.'"

What Schell didn't know at the time was that the man was emotionally disturbed and had a serious problem with people in uniform.

"It didn't matter if it was the mail man, the garbage man — it happened that this day it was the police man," Schell said.

As Schell tried to ask questions, he said the man refused to answer them, became increasingly aggravated and the discussion heated. A crowd gathered on the busy street. Schell instructed the suspect that he was under arrest for disorderly conduct.

"I remember him saying, 'No, no, no,' he kind of shoved me and he took off running down the street," Schell said. "I chased him down to a little strip mall and he ran into a flower/gift shop-type place. That day there was just one other officer working and he had just arrested somebody, so he was tied up with that. I went to the front door and talked to [the suspect]. There were a couple people in there and I could tell he was mad. I said, 'Come on out here, those people don't want you in their business. Come talk to me, we'll get this taken care of.'"

"He came up to the counter, and I could tell it wasn't going to work," Schell continued. "So I was ready for a fight. What I wasn't ready for was him having a knife."

The suspect had a handmade knife with a file-style blade hidden inside his coat. Schell remembered Department of Criminal Justice Training instructors telling him while he was in the academy that a suspect can be on you in less than 18 feet, he said.

"And he was," Schell said. "Very quickly, we were tangled up and the first place he got me was right down the side of my face. He got me in the shoulder and in the hand when I was pushing him off. At that time I realized it was time to disengage and try this again. He went back in the store and we kind of went into a hostage situation."

going to walk down here into a crowded beauty shop."

The dispatcher working the call — a good friend of Schell's — called the agency's lieutenant and sergeant who were off duty working in a tobacco patch. Schell said they got to the scene and the four officers tried to talk the suspect into compliance.

"We were yelling, 'Put your hands up! Get on the ground! Get on the ground!'" Schell said. "Finally, we got him distracted and my lieutenant and sergeant rushed him. He was still fighting us, but we got him into custody."

When EMS arrived, Schell asked how bad his injuries were and the EMT said, "Mike, I'm going to be honest, it's pretty bad."

*When he saw me, just reading his face I remember thinking, 'Oh, this is bad.' Then I heard him yell out, 'Lawrenceburg, we need some help out here.' And I knew it was pretty bad.*

Just before the attack, Schell said the other Lawrenceburg officer arrived at the scene. He had been at the back door, and when he came to the front where Schell was with the suspect, Schell caught a look of horror on his face.

"When he saw me, just reading his face I remember thinking, 'Oh, this is bad,'" Schell said. "Then I heard him yell out, 'Lawrenceburg, we need some help out here!' And I knew it was pretty bad."

But Schell didn't have time to think about his injuries. The suspect was trying to get to another business down the strip — a busy salon where a member of his extended family worked.

"Maybe that was his place to get help, but we were worried," Schell said. "We just got two hostages safe here and now he's

"I said, 'Just get me someplace they can fix it,'" Schell said.

Schell underwent surgery that night to "put him back together," he said, and three months and a couple more procedures later, he was back to work.

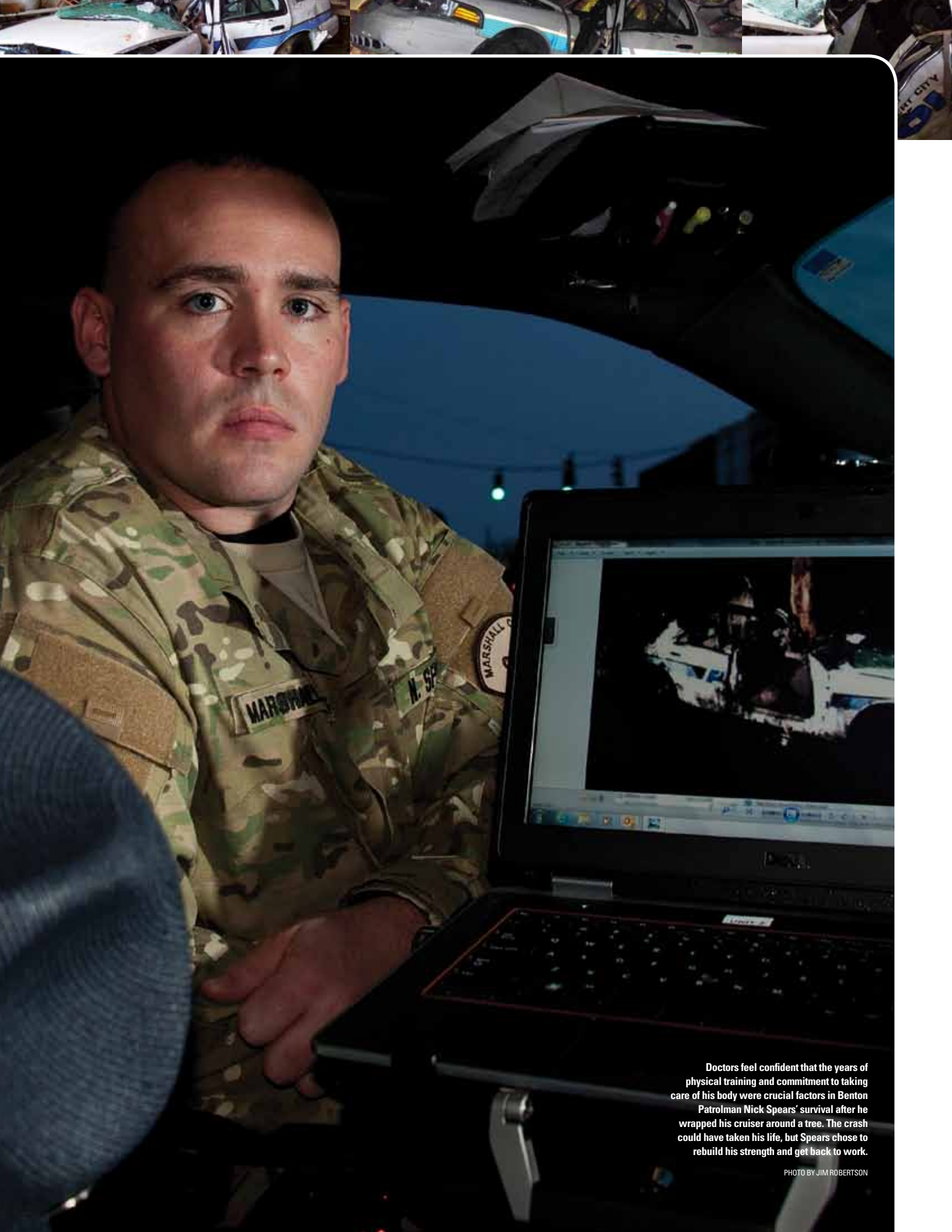
"After the fact, I remembered the instructors drilling it into us that there's nothing routine," Schell said. "I remember getting out with him and just thinking, 'I'm going to do a field investigation, ask him what he's doing, identify him, tell him not to go back in the school and to have a good day, then go on with my shift. How quickly little things can turn into something else. In that situation, he got the jump on me. I was ready to fight with him, but I wasn't ready for the knife fight.'" >>





His blood still dried on the knife that sliced through his face, Lawrenceburg Detective Sgt. Mike Schell holds the weapon that nearly ended his career. Schell was attacked by a mentally disturbed suspect who surprised him with the homemade blade.

PHOTO BY JIM ROBERTSON



Doctors feel confident that the years of physical training and commitment to taking care of his body were crucial factors in Benton Patrolman Nick Spears' survival after he wrapped his cruiser around a tree. The crash could have taken his life, but Spears chose to rebuild his strength and get back to work.

PHOTO BY JIM ROBERTSON





## >> SET YOUR MIND ON SURVIVAL

The end of his federal overtime shift was drawing near, and Benton Patrolman Nick Spears, who worked for Calvert City at the time, had just gotten off the phone with his wife, anticipating the lasagna she had cooked at home. Traveling down the road in his cruiser, Spears noticed a vehicle speeding and turned his car around to follow.

"I thought I saw [the car] take the exit off ramp going from northbound Purchase Parkway to eastbound I-24," Spears said. "I went around the curve and that's the last thing I remember."

What happened after that can only be pieced together by pictures, stories from other officers, flashes of consciousness and what little was recorded on his cruiser's dash cam. Spears said on the camera it looked as if he was going to make the exit ramp curve perfectly. But he didn't.

Spears admits his speed might have played a factor, or a faulty tire that had been giving him trouble. Whatever it was that night, Spears' cruiser slid off the road and slammed into a tree — the driver's side of the vehicle taking the full force of the impact, pinning Spears inside.

"I remember trying to call for help and my feet being stuck," Spears said.

In the crash, Spears fractured his humerus, radius and ulna bones in his left arm, broke his pelvic bone and the tip of the femur in his thigh.

"A civilian came by and found me and I asked him to call 9-1-1," he said. "It took them more than an hour to get me out of the car."

Once he was cut out of his cruiser, Spears was airlifted to Vanderbilt University Medical Center for surgery. Three times during the trip, Spears said doctors told him he was jolted back to life after he flat lined. During the 12 days at Vandy, he was administered 11 units of blood and underwent a second surgery for his femur and pelvic bone.

It was a crash that could have killed him. It nearly did. The professionals treating Spears were convinced there was one thing that played a major factor in his survival — his level of physical fitness. And, he was wearing his seatbelt.

Since Spears was in high school, lifting weights had developed from a hobby into a regular part of his routine. He trained for and competed in strong man competitions, benching more than 465 pounds before the accident. Naturally, when he chose a career in law enforcement, his strength and mass helped him in the basic training academy and in policing the roads of western Kentucky.

But he never realized it would save his life.

"In law enforcement, being fit is helpful not only for chasing down somebody or getting into an altercation, but now I know

own, just to keep that up and make sure I got back to 100 percent."

While Spears focused on his recovery, some of his caregivers weren't as confident he'd ever get his life back.

"I had a doctor's assistant tell me it was possible I would have to look for a different career, that I could only get to a certain point and I would reach my maximum potential to get better," he said. "I told her she was wrong. Policing was something I always wanted to do. It's been a dream of mine."

So he kept pushing. In the back of his mind, Spears said he wondered what he

*In law enforcement, being fit is helpful not only for chasing down somebody or getting into an altercation, but now I know it can help you survive.*

it can help you survive," Spears said. "Even after your career, it's important to be more physically fit."

Surviving the accident was only part of Spears' battle, though. After being released from Vandy, he now faced the challenges of recovery. In the weeks after, Spears had to re-learn to get around his house, get from his wheelchair to the bed, take a shower — all the normal, daily activities he couldn't do on his own. He spent another 10 days in Paducah's Lourdes Hospital doing both physical and occupational therapy three times a day. He now had three rods in his arm, nerve damage in his hand and leg, and had to wear a special boot for a condition called foot drop.

"I've always been one to work out, it's just been something I've done," Spears said. "So not to do it, I think that was tougher than a lot of things. I tried to do as much as I could on the days that physical therapists weren't able to make it out to the house. At one point the insurance said, 'You only need therapy two times a week, then one time a week.' So I did it on my

would do if he couldn't go back into law enforcement. But he refused to let his mind go there often. He was going to get better, and he set his mind to it.

Eight months later, Spears defied all odds when his doctor signed a full release for him to return to work and there was a cruiser back in his driveway. He never hesitated to climb back in a cruiser after the last one almost killed him, either.

"Being able to see a cruiser back in my driveway was one of the things I looked forward to," Spears said. "I don't think I ever really gave it a second thought. It was just something I needed to do."

"They tell you all the time in the academy to take your time — even going to calls — to get there, but get there safely," Spears continued. "You're not going to do anybody any good if you're in a ditch or you end up crashing and can't get to them. The other thing is, don't ever give up. Don't see yourself not being able to accomplish something. If you have the mindset that you're going to survive, you can get it done." >>

## >> 'HE JUST WOULDN'T DIE'

In 1984, two years after he first donned his Daviess County sheriff's deputy uniform, David "Oz" Osborne attended an officer survival course taught by then-Kentucky State Police Trooper Larry Giles. Two things stuck with him that he never forgot.

"First, maintain your physical fitness," he said. "That was something I took to heart. I ran, worked out in the gym; I was in good physical shape. Number two, if you are ever involved in a shooting and you get shot, just remember it's not the end. You're not dead. You can still think."

As his career continued, Osborne often read books about tactics and rehearsed scenarios in his mind of shootings, traffic stops and domestic violence calls that he might encounter.

"I never rehearsed the situation I was in," he said.

In 1989, Osborne was a 33-year-old seasoned officer, working night shift. One evening in May, he was given papers to deliver at the county line. The orders were simple. Osborne was to have 53-year-old Darrell Perry vacate the home he shared with his dying wife, because the woman's daughter was contesting changes her mother made to her will. It was a battle that had been raging in the family for months, Osborne said. But he didn't know that at the time.

When he arrived at the door, Perry refused to answer and Osborne radioed dispatch to call and ask him to open the door. Eventually the door opened and Osborne met Perry, who was 6 feet tall, barrel-chested, 250 pounds with a full beard, he said. As he read the orders, Osborne said Perry never became aggravated, but instead was calm and woefully asked, "Why are they doing this to me?"

"I said, 'I don't know why, I'm just doing my job,'" Osborne said he told him.

Perry sat at the table and quietly tied his shoes. He was wearing a T-shirt and Osborne said he could see he wasn't carrying a gun. The two men walked through the house as Perry gathered some personal items to take with him. There was no yelling, no rude remarks and no signs that the man was angered by the order.

When Perry was ready, the two walked to the driveway as dusk began to fall.

"I turned to him and said, 'The attorney asked me to get the keys to the house,'" Osborne said. "Perry said, 'Is it in the order?' I said, 'No,' so he said, 'Then I'm not going to give them to you.'"

Still, Perry never raised his voice. Osborne nodded and told him to have a good night as Perry unlocked the door to his car.

"The threat continuum — none of that triggered," he said. "He walked to his car, I walked to my cruiser, I'm not watching him, I had no reason to — I thought. And when I reached down to open my door, I heard the first round go off. He had a .38 caliber revolver in the front seat of his car, and he had gotten it out and was standing about 10 feet from me. And he shot me.

was running toward him, still firing. The next shot hit his left hip and Osborne hit the ground. Another shot hit his left heel.

Perry tackled him, landing on top of Osborne and pinning his arms back with his knees. He cocked the gun one more time, buried it in Osborne's forehead and pushed his head hard into the gravel road.

"I closed my eyes and I thought, 'This is it. He's going to shoot me in the head,'" Osborne said. "The next thing I heard was the snap of the gun. I opened my eyes and he looked at it [the gun]. He had a five-shot revolver and he had shot all five shots.

"With that, he takes the gun and palms it like a rock and he starts hitting me in the head with it," he continued. "So, he's

*I closed my eyes and I thought, 'This is it. He's going to shoot me in the head.' The next thing I heard was the snap of the gun. I opened my eyes and he looked at it. He had a five-shot revolver and he had shot all five shots.*

"The first round startled me, the sound of the round going off, and I jumped," Osborne continued. "I turned, and when I did, he was in a perfect shooting stance."

The first round went through Osborne's left arm and into his left side.

"That bullet went all the way across and landed in my abdominal area," he said. "I did not have a vest on. Back in 1989, you had body armor, but it was thick and it was cumbersome. I had one, it was in the trunk of my car."

Osborne's only cover was the back of his cruiser. He got down and said he tried to make himself a small target.

"I got down, and when I turned, he just started to fire," Osborne said. "Pow! Pow! Pow!"

The second round hit Osborne in his left flank. A piece of the bullet no larger than a pencil lead sheared off and nicked his spinal cord. Suddenly, he was paralyzed, and Perry

whacking me in the head and as he starts hitting me, I start to fight. I couldn't move my legs, but I got my arms free and started trying to block his blows. He struck me in the head more than 25 times with that gun. He fractured my skull — I had 75 staples in my head where he wanged me. At that point, I'm like, 'Stop! What are you doing?' I said, 'You've already shot me, if you kill me it's going to be worse.' There wasn't any stopping him."

Osborne reached for the .9 mm Sig Sauer semi-automatic pistol he carried, but as he un-holstered the weapon, he accidentally pressed the clip release. With one bullet still in the chamber, he cleared the holster and tried to aim the gun at Perry's chest. But the two began fighting over the weapon and Osborne struggled to get the shot.

"So I just squeezed it off," he said, "and the gun fires between us. He grabbed the barrel, twisted it right out of my hand, and





Shot multiple times and beat nearly to death, only one shot at former Daviess County Sheriff Deputy David Osborne missed his body — the bullet that instead tore a hole through the brim of his campaign hat, inches away from his head. The hat still hangs in Osborne's home as a reminder of how close he came to losing the fight.

PHOTO BY JIM ROBERTSON

immediately turned the gun back down on me and snapped it off. He brought it back up and tried to charge it, but there was no clip in it. He took it back down for the third time — once with his pistol and twice with mine — he snaps it off and says, 'You've got one of these fancy automatics.' He did not know how to load that gun. I had clips on my belt, a clip on the ground — he didn't know how to do it."

Perry hit Osborne two or three more times in the head with the gun, got up, took the cruiser keys off Osborne's belt along with his portable radio and headed for the cruiser.

"By this time it was dark," Osborne said. "At that point, I was ready for him to leave. I didn't mind him borrowing my car."

But Osborne was laying behind the cruiser, still couldn't move his legs and

realized Perry was going to drive over him. As he saw the reverse lights of his car illuminate, he garnered enough strength to roll onto his side as he felt the rubber from the wheels' side walls rub against his back and pant legs. Perry backed down the driveway and paused for a moment with Osborne in the glow of his headlights. To his relief, Osborne said, Perry then backed onto the road and was gone.

Up to that point, Osborne said he never felt the pain — his adrenaline was so high his pain tolerance was "out of the stratosphere." But with Perry gone, Osborne said he suddenly felt *everything*.

"My arm, my head, my back felt like I had a hot poker stuck in it," he said. "I was as scared as I have ever been before or after. It was dark and I was laying out there in that driveway. I didn't think

anyone knew where I was, and I knew I was bleeding.

"I tell people, when I was a kid, my mom always used to say, 'There's nothing to be scared of' and she would always repeat the 23rd Psalm," Osborne continued. "I knew it by heart. And I did. I repeated the 23rd Psalm while I was laying out there. After I did that, it was OKs. I tell people, the good Lord didn't say I was going to live or I was going to die, but I did feel God's presence. I thought to myself, 'Just think, again, *think* about survival. Think about what you're going to do.' I thought, if I lay up in this driveway I'm going to bleed to death. A couple of cars had driven by and nobody had seen me."

Osborne rolled himself onto his stomach and began dragging himself down the gravel driveway to the edge of the road. Within minutes, a couple found him on the road and he explained he had been shot and Perry had taken his vehicle. With his own hands trembling, the stranger got out of his car and sat down with Osborne, holding his hand, while his wife went to get help.

Three days after the shooting, Osborne said doctors told him he would forever be wheelchair bound and he and his wife would not be able to have any more children. But Osborne didn't accept that. Today, Osborne walks with a cane and a brace on his leg, but he walks. He and his wife had two more children — one of whom is following her dad into a career in law enforcement. Osborne was able to continue his law enforcement career, even attending the FBI National Academy before he eventually retired at the end of a full career.

Osborne travels regularly telling his story to the public and to officers — something he considers a blessing to be able to do.

"The ability to go talk to young police officers and impress upon them that you can be a survivor — just like Larry Giles said to me — that if you're shot, you're not dead," Osborne said. "Keep fighting. It threw [Perry] off. He actually said later in an interview, 'I had shot this guy with every bullet I had, I hit him and he was still fighting. He just wouldn't die.' That's what he said. 'He just wouldn't die.' And it absolutely threw him off. That's what officers need to know." >>



## >> 'I WOULD HAVE SHOT YOU AS SOON AS YOU GOT OUT OF YOUR CAR'

It had been a quiet Sunday in Paris, and Kentucky State Police Capt. David Jude — then a trooper — said the end of his shift and 4 o'clock football couldn't come soon enough.

"Post called and sent me to U.S. 68 to look for a vehicle called in as an intoxicated driver," Jude recalled. "When I got to that area, I saw a van matching the description in my lane of travel coming head on at me. That kind of narrowed it down. I [swerved out of the path and] turned around my vehicle, followed him and observed his behavior. He was traveling from white line to white line on a two-lane road."

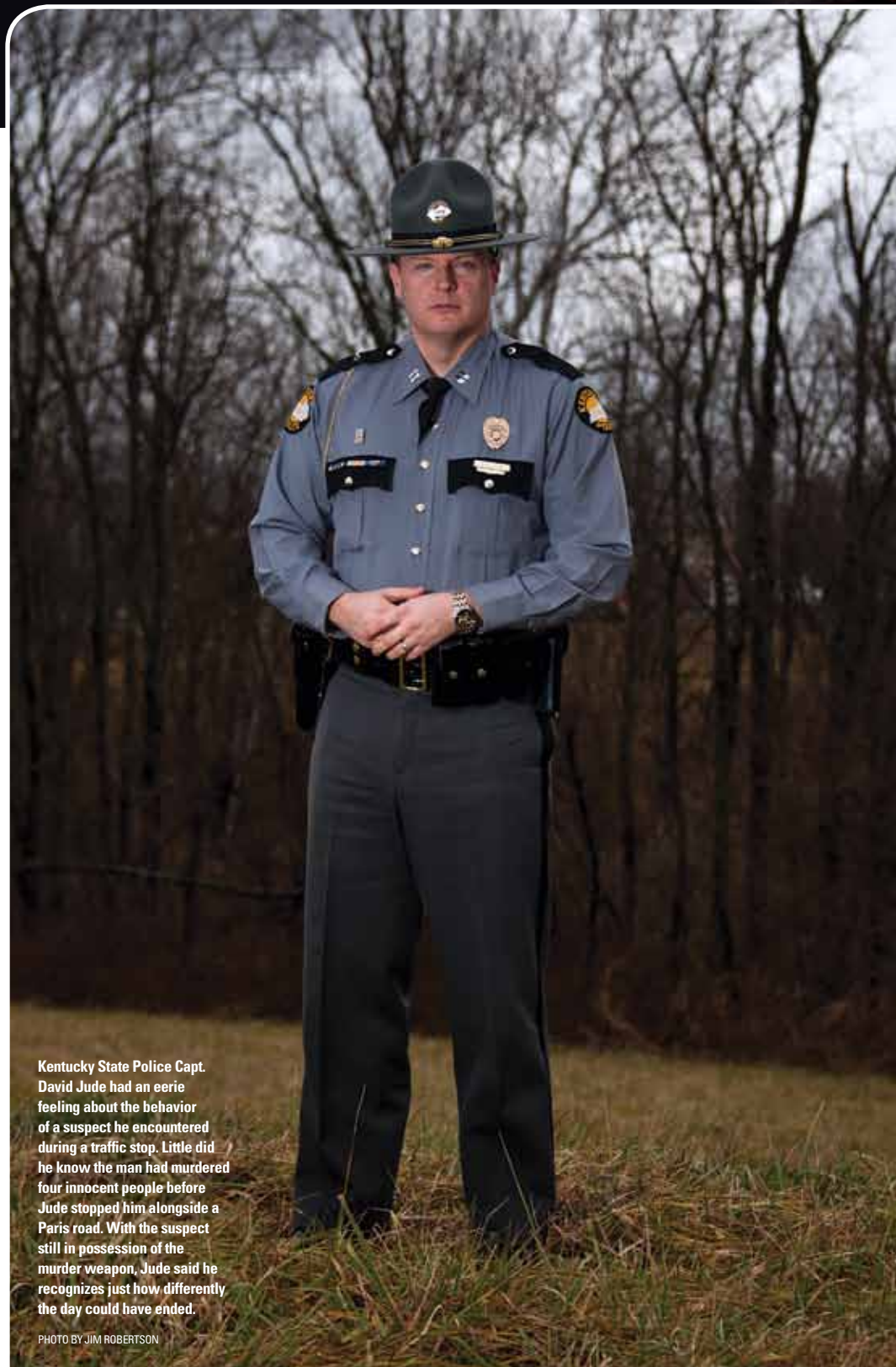
As the two vehicles reached the edge of town, Jude radioed in his traffic stop and activated his lights. When he did, the van's driver accelerated and took off.

"Just as I call in the pursuit, he stops and pulls into a park in Paris," Jude said. "So from there, because of the type of call it is, initiation of a pursuit, abruptly ending in a park — it automatically raised my suspicions. I was already on alert."

Jude cautiously approached the driver's window and the suspect refused to roll the window down. When Jude got the window open, the FM radio was set to static which was erupting from the speakers. The driver was wearing a black sweat suit and was covered in cigarette ashes, "like he was smoking and instead of flicking the ashes, he just let them fall off onto his chest," he said.

"There were several red flags happening that I knew just weren't right," Jude said. "As we go through it, it was a typical DUI stop. I just remember getting that feeling that this could be that moment you hear about in training. As trainers, that's what we talk about — that you're going to get into that situation one day and you have to ask yourself, 'Am I ready for whatever is about to happen?'"

During the course of the field sobriety testing, Jude discovered a knife on the suspect, whom he identified as Richard Curry of Portsmouth, Ohio. After securing the knife in his cruiser, Jude had Curry continue the sobriety testing and found



Kentucky State Police Capt. David Jude had an eerie feeling about the behavior of a suspect he encountered during a traffic stop. Little did he know the man had murdered four innocent people before Jude stopped him alongside a Paris road. With the suspect still in possession of the murder weapon, Jude said he recognizes just how differently the day could have ended.


PHOTO BY JIM ROBERTSON

that he was staggering, wobbling — in a way that was unusual even for an intoxicated person.

"I wasn't sure why he was doing that, if he was just impaired or if he was trying to get close to me," Jude said. "That's what I

was feeling — that he was getting in close proximity to me. The other odd thing was that when he moved, he didn't use his joints. He almost walked stiff-legged like you would picture Frankenstein walking. It was very unusual.





"I asked him how much he had to drink, he said, 'Nothing,'" Jude said. "So then I asked the catchall question — 'Is there anything else that would impair you....' And he mentioned he had taken some prescription pills."

With that, Jude arrested Curry, handcuffed him and placed him in the back of his cruiser. Jude was new to the area and at the time, thought it was odd that Curry would have been traveling through Paris from Portsmouth on his way to Lexington, he said.

"So I asked him, 'Why are you traveling through here today from Portsmouth?'" Jude said. "And that's when he said, 'I just killed four people there today.' He was very nonchalant about it, very conversational. I said, 'I'm sorry?' And he said it again, 'I just killed four people there this morning.'"

"In law enforcement, we hear so many crazy things," Jude said. "'I was on the grassy knoll, I just flew in on a UFO,' so to get a strange answer like that, believe it or not, is not so strange. So I called our post and told the dispatcher to call the Portsmouth Police Department in Ohio and find out if what he was saying was true."

As Jude was standing in the park waiting to hear back from the dispatcher, he remembered Curry's knife he had secured in the car.

"I just thought, 'I wonder...'" Jude said. "So I went over and got the knife from the front seat of the car, and sure enough, where the blade met the handle there was dried, crusted blood on the knife. So I got back on the radio and told them I had evidence to support what he was saying."

By that time, dispatchers had talked to police in Portsmouth, and they had found two of the people Curry said he had killed.

"So I go back, open up the door, and say, 'Rick, there's only two.'" Jude said. "'You said there were four. Where's the other two?' And he tells me they're inside his apartment."

"What had happened was that Curry was in his apartment, and he killed his girlfriend," Jude continued. "His girlfriend's young son was asleep in the living room and he woke up. Rick said

he couldn't let him go to the bathroom because his mom was in there. So he killed him too. He sits on the bed, has a cigarette, drives to Kentucky, gets more cigarettes and a change of clothes, drives back to Portsmouth and goes to the girlfriend's mother's house. He knocks on the door, kills the mom and the girlfriend's sister too. So there's the four bodies. The Portsmouth police made entry into his apartment and sure enough, there's victims three and four — which actually, had been victims one and two. And he had used the knife that I had."

Curry never raised his voice and never caused Jude any problems, a reaction Jude attributes to the manner in

that day. I wanted to know how close I was to it being my day."

"I wasn't going to hurt you," Curry told Jude. "I'm not mad at you, you were just doing your job. If I wanted to hurt you, I would have had a gun and I would have shot you as soon as you got out of your car."

As commander of the KSP training academy, Jude said he often tells the story about Curry and how differently the day could have ended. Curry's response to his question showed Jude that he was watching, that he was aware of where Jude was and that he knew what was happening.

"In these situations, our training becomes paramount," Jude said. "Our ability to read a situation and make decisions

*And that's when he said, 'I just killed four people there today.' He was very nonchalant about it, very conversational. I said, 'I'm sorry?' And he said it again, 'I just killed four people there this morning.'*

which he showed Curry respect, despite the situation. When the day ended, KSP detectives had taken control of the case and Curry was gone. But that wasn't good enough for Jude.

"I just had to know," Jude said. "The next day, I went and got him out of jail and we sat down in a secured area and I said, 'Rick, I just want to ask you a question. I want the truth, regardless of what you tell me it won't be used against you, I just want an honest answer. When I stopped you in that park Sunday, did you have any intention of hurting me?' I wanted to know how close I was to fate. Again, all the red flags, the wobbling, getting close to me — nothing added up

based on that is crucial. Sometimes you have to ask those extra questions. I could have taken him to the hospital for a blood test and on to the jail for DUI. But digging beyond the traffic stop was key to this one.

"When I do these presentations, I talk about how you have to have a plan," Jude continued. "I had a person sitting inside that car, and I had no idea he had just committed four murders. He was watching me. And if he wanted to hurt me, he had a plan. He just chose that he didn't want to hurt me that day."

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Kelly Foreman can be reached at [kelly.foreman@ky.gov](mailto:kelly.foreman@ky.gov) or (859) 622-8552.

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# YOU CAN SURVIVE, TOO

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

**T**he number of officers who survive harrowing incidents each year in the field is, thankfully, far greater than those who lose their lives in the line of duty. According to the 2011 Federal Bureau of Investigation's annual report, "Law Enforcement Officers Killed and Assaulted," nearly 55,000 peace officers were assaulted during arrests, traffic stops, disturbances and other daily calls. This number does not reflect the number of officers who survived accidents, such as traffic crashes.

Tragically, that is compared to 125 officers across the country who were killed in 2011 in the line of duty. Seventy-two officers were killed feloniously, while 53 died accidentally during the course of their duties.

Even one death in service to the community is too many.

In 2010, a new initiative was born from a group of officers and "Law Officer Magazine" contributors who began discussing the disconcerting trend of rising line-of-duty deaths. The discussion grew into an educational campaign now nationally known as Below 100 — designed with hopes of bringing the number of officers killed nationwide annually to below 100.

"The last time the number of line-of-duty deaths was below 100 was 1944," according

to below100.com. "Since that time, they reached a high of 278 in 1974 and for the past five years, have fluctuated between 116 and 185."

The principles of the campaign are simple. Wear your seat belt. Watch your speed. Wear your ballistic vest. Evaluate what's important now. Recognize that being complacent can kill you.

"These are the areas where change can be effected, and to a limited degree, required," the website states. "If they can become the cultural norm, there will be a corresponding benefit."

Department of Criminal Justice Training instructors agree that following these suggestions are key to officer survival.

"This information is not new, however, I think it needs to be repeated every chance you get in order to get officers thinking about what they can do to improve their chances of coming home at the end of their shift," said DOCJT Vehicle Training Instructor Jeff Knox, who participated in Below 100 training in late 2012.

## WEAR YOUR SEAT BELT

In class, Knox said he asks students how many wear their seat belts consistently while on duty. The response is never 100 >>





# Agency Risk Assessment

## DRIVING — SEATBELTS

1. Do you have a policy addressing seatbelt wear?
2. Is your policy practical and accepted?
3. Is the policy enforced?
4. Consider random sampling, low-profile observation, anonymous questionnaire (tailor to meet your situational needs.) Be ready to dispel seatbelt myths (e.g. tactical problem).

## DRIVING — SPEED/RECKLESS RESPONSE

1. Review injury and lost time incidents to determine areas of risk.
2. Consider the experience of agencies within your region.
3. Look for pre-event indicators:
  - Nicknames like Crash or Hotdog, or reputations — it's not a secret.
  - Single-vehicle crashes, multiple crashes, inexplicable crashes.

## PREVENTING INJURY/DEATH — OFFICERS STRUCK BY VEHICLES

1. Reflective gear — Is it issued? Is it used? Is it effective? Is there a policy?
2. Traffic stops — Conducting safe stops, passenger side approach, positioning.
3. Awareness of dangers (between vehicles, stops on curves, etc.)

## BODY ARMOR

1. Is it issued?
2. Is it the right armor for your operations?
3. Is there a policy? Is wear of armor mandatory?
4. What's the practice/current culture?
5. Are examples of "saves" talked about and known within your agency?

## WIN — WHAT'S IMPORTANT NOW?

1. Is the concept of WIN integrated into your department's training?
2. Do officers understand the applicability of WIN in off-duty, on-duty and critical incident situations?

## COMPLACENCY

1. Objectively review traffic stops, subject contacts, response practices.
2. Actively engage officers in situational debriefs, looking for lessons learned.
3. Review officer safety practices, discuss incidents, maintain the edge.

## INSTILLING A CULTURE OF SAFETY

1. Are academy practices consistent with instilling safe practices? (e.g. Is body armor worn during training? Is seatbelt use modeled and discussed as well as being required during training?) Be ready to confront and dispel myths.
2. Are officers encouraged to share 'near-miss' incidents in an effort to improve safety?
3. Are department training sessions used as opportunities to review Below 100 areas? Are seatbelts required during training sessions that involve vehicles?
4. **Important:** Are Field Training Officers engaged and are their actions consistent with your policies and procedures? Do they support and model Below 100 practices?
5. Are field supervisors engaged and observe officers' in-field actions with an eye toward improving safety?
6. Are Below 100 materials and similar safe-practice resources made available to officers?

## PROACTIVE ASSESSMENT

Check with field supervisors and field training officers — Ask them what factor or deficiency is most likely to result in a serious injury or death to an officer in your agency.

**Remember — if it's predictable, it's preventable. ■**

>> percent, he said. Many complain that the belt traps them in the cruiser which prevents them from getting out of the car in time. Others argue it gets hung on their equipment and is too much hassle. Still, some officers decline to wear their seat belt because they simply never have, and see no need to wear it now.

"I believe none of the excuses can be validated," Knox said. "From 2001 to 2011, 42 percent of officers killed in car crashes were not wearing their seat belts."

Below 100 Trainer Travis Yates, in his "Law Officer Magazine" article, "Wear Your Belt, Watch Your Speed," wrote that the combination of not wearing a seat belt with high speeds has become the "deadliest epidemic of [the] profession seen since gun violence from three decades ago."

"Although violence against our profession is certainly a huge issue, excessive driving speed and failing to wear safety belts is continuing to kill officers every year at numbers that are greater than the losses attributable to gunfire," he said. "This is absolutely senseless."

Yates argues — and teaches — that it is time to end this epidemic. Whatever the reason for not wearing a seat belt, DOCJT's Knox said there are that many reasons to wear it. For example, wearing a seat belt keeps the body behind the steering wheel in a crash and helps the officer avoid being ejected or slammed into the steering wheel.

"Wearing a belt keeps drivers within the safety designs of the vehicle, including taking advantage of the crumple zone effect of a collision and where the various air bags will help them as opposed to injuring them further," added Fran Root, DOCJT Skills Branch manager.

### **WATCH YOUR SPEED**

Knox said that it sometimes is necessary for officers to speed when getting to calls that require urgency. However, he and Root urged that officers must be aware not only of their sense of duty, but also of existing road and weather conditions as well as their own driving abilities and the limits of their vehicle.

"Officers in certain incidents manufacture the emergency in their minds and make it worse than what it really is by driving too fast," Knox said. "An example would be a domestic violence call where the officer is traveling more than 100 mph

to get there because he has seen bad domestic situations before and, in his mind, he must get there as quickly as possible. Upon arrival, he finds out that it is a verbal altercation.

"I have worked as a police officer before, and I am as guilty of this as anyone," Knox continued. "However, if you look at the officers killed every year by responding to calls for service, speed plays a huge role."

Root agreed.

"Scrubbing off a few miles per hour applies an exponential effect upon emergency braking and other avoidance maneuvers," he said. "The definition of exponential is, 'rapidly becoming greater in size.' The idea of, 'the slower the speed the greater the reaction time,' would hold true."

Not being cognizant of road conditions or traffic congestion while driving at high speed is, "hazardous at best and negligent at worst," Yates wrote in his article. Speed can make the difference between suffering minor injuries if a crash occurs or ending your career and disability — or worse.

### **WEAR YOUR BALLISTIC VEST**

Olympia Fields (Ill.) Police Chief Jeff Chudwin, like Yates, serves as a member of the Below 100 training team. In his article, "Armor Up: Every Officer's Mandate," he talks about his lengthy history with body armor

and more than two dozen officers who were shot wearing ballistic vests and lived to tell about it.

"I discovered that these officers saved by their armor all had two things in common," Chudwin wrote. "First, they made the choice to wear their body armor every day, every shift. Second, every officer I spoke with said that at no time did they expect to get shot when their incident occurred. There was no warning, just gunfire directed at them."

It isn't just gunfire from which vests protect officers, he said. Many officers have experienced the life-saving effects of body armor when involved in car crashes, too, Knox added.

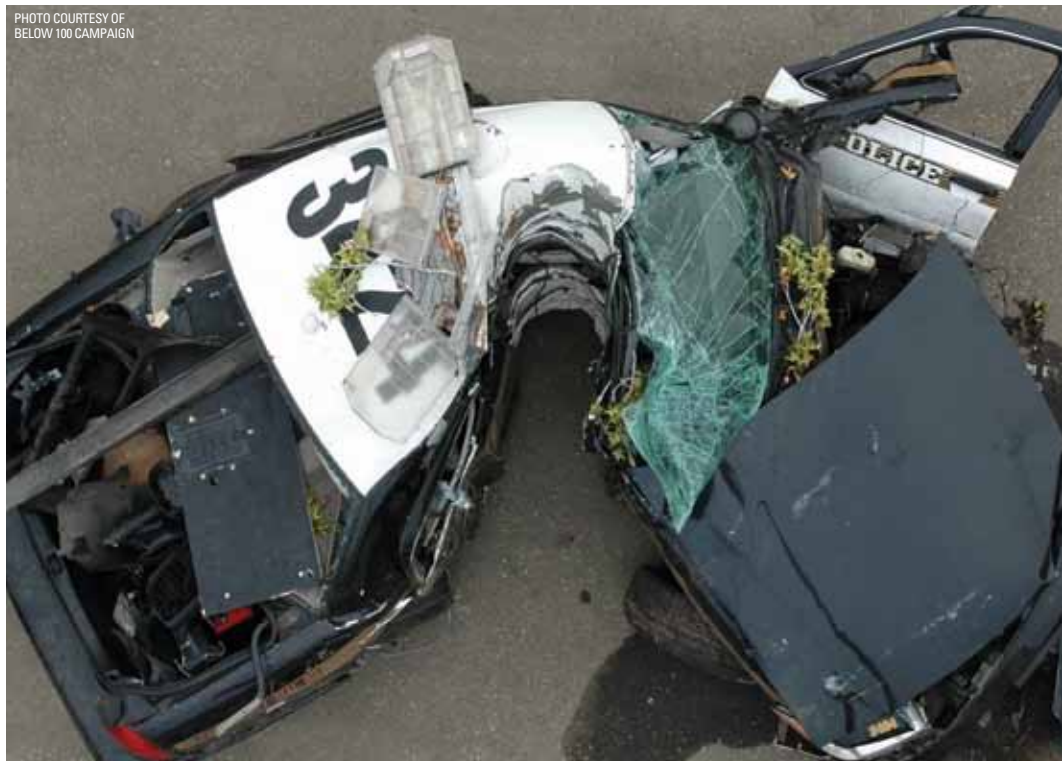
"I worked for an agency that would not allow you to go on duty in a uniform until you had one on," Knox said of ballistic vests. "It would be nice if every agency had this policy. Ballistic vests not only provide protection from gunfire, they also protect internal organs in a vehicle collision or any blunt force trauma, for that matter. There is never a time, in my opinion, while an officer is on duty not to be wearing a vest. Put it on, get used to it and don't leave home without it."

Chudwin acknowledged the complaints officers lodge about wearing vests. They are bulky, awkward, uncomfortable and burdensome. And that's just in the winter.

"But having holes shot in your body is worse," he said. >>



PHOTO COURTESY OF  
BELOW 100 CAMPAIGN





# BY THE NUMBERS

PERCENT OF  
543 OFFICERS  
FELONIOUSLY  
KILLED IN  
THE UNITED  
STATES IN 2011

**12.7%**

**Disturbance Call**

**18%**

**Traffic Pursuit/Stop**

**22.5%**

**Arrest Situation**

**23.2%**

**Ambush Situation**

## 2012: Three Lives Lost in Line of Duty



**PIKE COUNTY SHERIFF'S DEPUTY JAMES THACKER — END OF WATCH JAN. 23, 2012**

Nearing the end of his shift, Pike County Sheriff's Deputy James Thacker, 53, was driving on U.S. 460 to serve civil papers when a driver in the oncoming lane began speeding toward him. David Childers, who has since pleaded guilty to killing Thacker, crossed the center lane while speeding in his SUV and crashed into Thacker's cruiser head on. Drug paraphernalia later was found in Childers' vehicle.

Thacker, who died at the scene, had served the sheriff's office for one year.



**HODGENVILLE POLICE OFFICER MARK TAULBEE — END OF WATCH SEPT. 16, 2012**

When Hodgenville Police Officer Mark Taulbee, 43, responded to a domestic disturbance call around 3 o'clock one fall morning, he learned a suspect had fled the scene with someone else's car. Taulbee located the Nissan Altima and attempted a traffic stop, but the driver refused to stop the car. While pursuing the vehicle at intense speeds, Taulbee lost control of his cruiser and crashed. He died shortly after at University Hospital in Louisville.

Taulbee had served Hodgenville only 13 months, though he previously worked for the Morgan Police Department and Butler County Sheriff's Office.

"It has been hard on the department," Hodgenville Chief Steve Johnson said of Taulbee's death. "We are finally getting things a little bit back to normal. The officers still think of him probably every day when they are doing their calls. It's just really hard on small departments because everyone is so closely knit."

Jason L. Avis, 29, faces charges of first-degree wanton endangerment, fleeing and evading police and other pending charges.



**MARION COUNTY SHERIFF'S DEPUTY ANTHONY RAKES — END OF WATCH NOV. 14, 2012**

While driving on U.S. 68, Marion County Sheriff's Deputy Anthony Rakes noticed a Kia stopped in the middle of the oncoming lane of traffic. Rakes turned his cruiser around and parked behind the Kia, called in the license number to dispatch and approached the car. But before he could get there, driver Dewayne Shipp, 49, shot Rakes twice, once in the abdomen and once in the upper torso. Rakes called dispatch to report the shooting, and EMS workers transported him to Spring View Hospital, where he died during surgery.

Shipp, who gave no reason for shooting Rakes, has been charged with murder. Rakes, 31, had served Marion County Sheriff's Office for six years and previously worked for the Lebanon Police Department. ■

## >> EVALUATE WHAT'S IMPORTANT NOW

"The concept of what's important now is a mindset every officer should embrace," Knox said.

"Here is an example of an officer preparing to stop a vehicle for a stop-sign violation," he continued. "The officer should be constantly asking themselves, 'What's important now?' 'I am getting ready to pull this car over, what's important now?' What's important right now is that dispatch knows where you are and what vehicle you have stopped. 'OK, what's important now?' Now you need to check over your shoulder and your mirrors before getting out so you don't get run over. 'OK, I am out of my cruiser and approaching the car, what's important now?' Now it is important that you are scanning the inside of the car and looking for furtive movements that would indicate danger. This mindset continues throughout the traffic stop and can be used to guide the officer on every call."

The WIN concept is original to historic Notre Dame football Coach Lou Holtz, who used the phrase to teach athletes to prioritize their daily decisions, explained Below 100 Trainer Brian Willis. Like in Knox's example, asking the question, "What is important now?" can help officers, too, focus on the immediacy of their current situations.

Yes, goals and long-term plans are important. But focusing on the greatest need in the moment can help officers not only be successful, but also prioritize their safety needs. Some choices made each day are simple, Willis wrote, like deciding on large or extra-large coffee, versus more important decisions, like do you do what's right or what's popular?

"Still others are unique to the profession of law enforcement," Willis wrote in his article, *WIN-What's Important Now?* "Do you rush in to make the arrest, or wait until you have sufficient backup? Do you terminate the pursuit when the risk is too great or stay in it regardless? Do you engage in a foot chase or a foot surveillance? Do you talk or do you fight? Do you close the gap and use empty hand control or maintain distance and use an intermediate weapon? Do you shoot or not?"

Evaluating the priority of your situation can be applied in every aspect of the job, Willis said, and can be lifesaving when officers are decisive about their actions.

## COMPLACENCY KILLS

Inspect your gear at the beginning of each shift. Ensure your weapons are loaded and ready. Maintain your cruiser. Clear your mind of daily distractions. Carry a rescue knife, extra radio battery and gloves.

All these pieces of advice are deliberate actions intended to prevent complacency, Chudwin said. The fastest way to get hurt or killed is to assume the, "It won't happen to me" dogma. Officers who experience a lull in potentially-threatening activity easily can find themselves in a routine.


Remember always — there is nothing routine about police work, he emphasized.

"Being a police officer is a very stressful and demanding job," Knox said. "Officers who find themselves in a slump must first realize there is a problem before they can go about fixing it. Once they realize there is

a problem, something must be done, because we all know complacency kills.

"I would suggest asking for a different assignment that interests them," Knox continued. "Talk to fellow officers about the problem, because most of us have been there and may be able to offer suggestions. Notify your supervisor of your concerns and keep up with training."

Taking the opportunity to discuss not only concerns, but also scenarios and expected responses, helps officers to "buy in" to the reality that any day could be *the day*.

"Many [backup officers] will arrive later, but for those few life-and-death moments, you are it," Chudwin said. 

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Kelly Foreman can be reached at [kelly.foreman@ky.gov](mailto:kelly.foreman@ky.gov) or (859) 622-8552.

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# TAKE AIM

The Federal Bureau of Investigation together with the U.S. Department of Justice have produced an officer survival campaign similar to Below 100, which is called Take AIM. AIM is an acronym for awareness, image and mind-set. Here are a few details of the campaign and how you can get more information.

## AWARENESS

- I know that I can be assaulted at anytime by anyone.
- I will remain constantly aware.
- I will never become complacent.
- I am responsible for my own safety.

## IMAGE

- I will project a neat, clean and professional image.
- I will maintain good physical condition.
- I will never drop my guard.
- I will convey that I am alert, prepared and a formidable opponent.

## MIND-SET

- I will take my training seriously.
- I will adhere to safety procedures.
- I will properly search and handcuff.
- I will use the appropriate amount of force.
- I will refuse to quit — no matter what.

This information is a part of the Violent Encounters: An Analysis of Selected Felonious Assaults on Our Nation's Law Enforcement Officers booklet. For copies of this booklet, email [askncjrs@ncjrs.gov](mailto:askncjrs@ncjrs.gov). Follow this link for an article in the FBI bulletin about surviving traffic stops and more information on Take AIM: <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/2008-pdfs/may08leb.pdf>. ■





# The Five Tenets of the *Below 100* Campaign

## 1. Wear Your Belt

It might sound simple to you, even unnecessary, but the truth is too many agencies don't mandate belt wear. And even among those that do, many officers ignore policy because the culture doesn't value it. The truth: seatbelts save lives.

## 2. Wear Your Vest

We know vests save lives. We know that bullets can fly when we least expect it. Add to that the fact that body armor can improve your likelihood of surviving a car accident or other traumatic event, and you quickly see why you must wear it. Always. Period.

## 3. Watch Your Speed

Why do cops drive fast? Because they can, right? Well, driving faster than conditions warrant is a sure way to get in trouble. Of course, there are times when getting on scene quickly is critical. But these times are rare. Too often, officers are speeding just because they can. In the process, they are putting themselves and the public at perilous risk for no good reason.

## 4. WIN — What's Important Now?

It's a simple question that can elicit profound results. It's a question that will lead to deliberate action, not reaction. If you are constantly prioritizing what's most important, you won't have time for the distractions that can get you in trouble, hurt or killed.

## 5. Remember: Complacency Kills!

Olympia Fields (Ill.) Police Chief Jeff Chudwin perhaps said it best: "Complacency is among the most dangerous and insidious threats we face because it lays us open to all others." Complacency is why police officers think they can go without vests and seatbelts. It's why they think they can speed and allow themselves to be distracted. "Complacency will kill you," Chudwin said. ■

— From *Below100.com*



▲ For questions about the Below 100 initiative, please visit this link: <http://below100.com/below-100-frequently-asked-questions/>



**THOMAS W. FITZGERALD** | STAFF ATTORNEY,  
DOCJT LEGAL TRAINING SECTION

Indeed, the role of a law enforcement officer, as a first responder, is complicated. While the job is tough enough already, officers need to be mindful and vigilant so they do not incur liability for themselves or their departments by the operation of an emergency vehicle. While I will joke with my Department of Criminal Justice Training Basic Training Academy students during the Vehicle Offenses class that their need to return home on Friday evening is not an “emergency,” the point is impressed that there is much liability concerning the operation of a law enforcement vehicle, and there are statutory guidelines that govern such operation.

The liability issues can be understood by looking not only at the statutes, but also at some of Kentucky’s case law.

- The case of Commonwealth v. Alexander, 5 S.W.3d 104, (Ky.,1999), was reviewed by the Supreme Court of Kentucky. William B. Alexander, a Fayette County Sheriff’s deputy, was convicted in the Fayette Circuit Court of reckless homicide for the death of Robert Nesbitt. Nesbitt was killed when Alexander’s cruiser collided with Nesbitt’s vehicle as Nesbitt was turning left from White Street on to Newtown Pike in Lexington. Alexander was responding to an emergency call and was traveling with emergency lights and siren activated. At the time of the collision, both the dispatcher and Fayette County Sheriff’s Office had canceled the emergency call, yet it is disputed whether Alexander heard the radio transmissions of the cancellation.

# LAW ENFORCEMENT EMERGENCY VEHICLE OPERATIONS: **MANAGE THE RISK**



Among the emergency personnel responding to the scene were members of the Lexington Division of Police's Accident Reconstruction Unit. The ARU issued an initial accident report indicating that (1) Alexander's emergency lights and siren were activated at the time he was traveling on Newtown Pike, and (2) Nesbitt had failed to yield the right-of-way to Alexander by not stopping at the stop sign before turning onto Newtown Pike. Although Nesbitt's blood alcohol level was .043, the pathologist indicated such would not have impaired his vision or reaction time.

After reviewing the videotape from Alexander's cruiser, which had recorded the events leading up to the accident, the ARU concluded that he had been traveling between 95 and 100 miles per hour at the time he approached the intersection of Newtown Pike and White Street. Therefore, Alexander caused the collision due to his excessive speed. Subsequently, the Fayette County Grand Jury indicted Alexander for reckless homicide.

The case went to trial, and a jury subsequently convicted Alexander of reckless homicide. On appeal, the Court of Appeals reversed and remanded the matter for a new trial. The Kentucky Supreme Court accepted discretionary review, and after reviewing the record and hearing oral arguments, reversed the Court of Appeals and reinstated the judgment of the Fayette Circuit Court. The deputy served time in prison.

- In the Kentucky Supreme Court case of Jones v. Lathram, 150 S.W.3d 50, (Ky., 2004) Trooper Scott Lathram, received a call for assistance from a Graves County deputy sheriff. The end of the call was an excited exclamation by the deputy sheriff, "I said get back in the car!" There was no further communication by the deputy, so Lathram illuminated his blue lights, turned on his siren and proceeded to the scene. Upon entering into a "blind" intersection, Lathram collided with a truck driven by Stephen Camp, who was fatally injured. The case provided some guidance in determining whether a public actor's actions are discretionary or ministerial and therefore whether qualified immunity attaches, and the officer is relieved from the liability.

The opinion provides: "Qualified official immunity applies to the negligent

performance by a public officer or employee (1) of discretionary acts of functions, i.e., those involving the exercise of discretion and judgment, or personal deliberation, decision, and judgment; (2) in good faith; and (3) within the scope of the employee's

assessed the situation and responded in a manner that he determined to be appropriate. However, the act of safely driving a police cruiser, even in an emergency, is not an act that typically requires any deliberation or the exercise of judgment. Rather,

*There is much liability concerning the operation of a law enforcement vehicle, and there are statutory guidelines that govern such operation.*

authority. An act is not necessarily "discretionary" just because the officer [or employee] performing it has some discretion with respect to the means or method to be employed.

Conversely, an officer or employee is afforded no immunity for tort liability for the negligent performance of a ministerial act, i.e., one that requires only obedience to the orders of others, or when the officer's duty is absolute, certain and imperative, involving merely execution of a specific act arising from fixed and designated facts. That a necessity may exist for the ascertainment of those facts does not operate to convert the act into one discretionary in nature."

The court held that Lathram "undertook a ministerial act in responding to an emergency call for assistance from a fellow officer. Responding, he assessed the facts based on his training as a police officer and upon other applicable standards. After undertaking the act of an emergency automobile response, Lathram was required to constantly reassess his position on the road and make reactive decisions based on his assessment of roadway danger. While decisions were required in the course of driving, there were no decisions that would appear to be truly discretionary acts. We recognize that Lathram independently

driving a police cruiser requires reactive decisions based on duty, training and overall consideration of public safety."

After denying Lathram qualified immunity for his actions, the court stated, "we conclude that whether Lathram was negligent in operating his police cruiser, with due regard being given to all the facts and circumstances, is a question for resolution by the trier of fact," and sent the matter back to the trial court.

- In the 2010, unreported Kentucky Court of Appeals case of Pugh v. Randolph, 2010 WL 5018184, (Ky. App., 2010) the court dealt with a pursuit of a Louisville Metro police officer. On the evening in question, Pugh was working as an on-duty Louisville Metro police officer when, according to his affidavit, he heard police dispatch call out a purse snatching over the radio. He responded to the call by going to the Fourth Street Live area of Louisville. Pugh attested that the victim appeared frantic when she flagged him down, approached Pugh and told him she was "just glad to be alive," and stated she "just got robbed." The victim began to describe the perpetrator when a red vehicle drove by and she told Pugh, "That's him, that's him, that's the car that he got into." Pugh asked her if she was certain, >>

>> and she said, “Yeah that’s the one because it has the damage on the side of it.”

Pugh then followed the red car and stopped it. Pugh attested that he climbed out of his car and as he reached the rear bumper of the red car, the red car took off. Pugh then turned on the lights and siren on his police car and pursued the red car through Louisville. In his affidavit, Pugh alleged that at one intersection, the red car started picking up speed, and then, at another intersection, the red car failed to stop at a red traffic light, and collided with another vehicle. The other vehicle was driven by Demetrick Boyd, Sr. Pugh’s vehicle was not involved in the collision. According to the complaint filed in the circuit court, as a result of the collision, tragically, Demetra Boyd, a young child, was killed.

Some discussion of the Jones case above was reviewed. The court stated that “In spite of these often quoted guidelines, determining the nature of a particular act or function demands a more probing analysis than may be apparent at first glance. In reality, few acts are ever purely discretionary or purely ministerial. Realizing this, our analysis looks for the dominant nature of the act. For this reason, the Kentucky Supreme Court has observed that an act is not necessarily taken out of the class styled ministerial because the officer performing it is vested with a discretion respecting the means or method to be employed. Similarly, that a necessity may exist for the ascertainment of those [fixed and designated] facts does not operate to convert the [ministerial] act into one discretionary in its nature. Moreover, a proper analysis must always be carefully discerning, so as to not equate the act at issue with that of a closely related but differing act.”

In the Pugh case, the court held: “It is not proper at this juncture to determine whether Pugh’s decision was primarily discretionary or ministerial, in order to decide whether he is entitled to qualified official immunity. The circuit court referred to the offense as “assault and theft,” but Pugh’s affidavit stated that the victim told him she was “glad to be alive” and she had just been “robbed.” According to the standard operating procedures, whether a pursuit should be initiated depends, in part, on the seriousness of the perpetrator’s offense. Rather than deciding this matter under Jones, further discovery should take place

regarding Pugh’s adherence to the SOPs. Thus, we reverse the circuit court’s denial of Pugh’s claim of qualified official immunity and remand for further discovery and proceedings concerning his qualified official immunity claim.”

The Court made a distinction in this case as to whether the officer followed policy and, therefore, would be judged as to whether he acted negligently in the operation of the police vehicle.

- Officers need to be mindful that KRS 189.940, titled: Exemptions from traffic regulations, provides the statutory scheme of when and how they may disregard traffic regulations. Subsection (5) and (7) contain very important provisions:

(5) The driver of an emergency vehicle desiring the use of any option granted by subsections (1) through (3) of this section shall give warning in the following manner:

(a) By illuminating the vehicle’s warning lights continuously during the period of the emergency; and

(b) By continuous sounding of the vehicle’s siren, bell, or exhaust whistle; however

(7) KRS 189.910 to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

Kentucky law enforcement officers are granted the authority to disregard some sections of the vehicle laws when they are **responding to an emergency call, or a police vehicle in pursuit of an actual or suspected violator of the law; are giving the warning required by subsection (5) (a) and (b) of this section; and have taken notice that no portion of this statute shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.**

Officers need to be safe, and smart as they operate their vehicles in the performance of their duties. Operating in compliance with the statutory provisions will reduce both the officer’s and department’s liability against a claim of negligence. The appropriate risk management strategy will also save dollars spent in defense of claims to be used for more beneficial law enforcement necessities. 🌧️



PHOTO BY ELIZABETH THOMAS

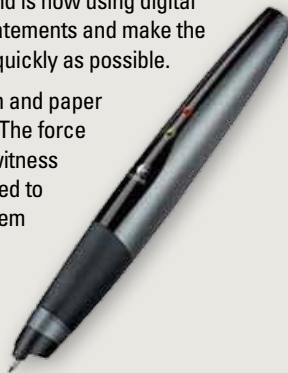


## Digital Pens Revolutionize Taking Statements

The Police Service of Northern Ireland is now using digital pen technology to record witness statements and make the associated information available as quickly as possible.

In the past, PSNI used traditional pen and paper forms to record witness statements. The force has now deployed a system where witness statements are automatically uploaded to the Niche records management system as soon as they are written.

Thousands of statements are now being uploaded by the system, which has resulted in an 80 percent efficiency gain in back-office processing time.



## Using Cell Phones to Pinpoint Crime

For years, ankle monitors have pinpointed the locations of those who have been in trouble with the law, but now add phones to the list of devices that can link someone to a specific place in question before, during, and after a crime.

While images caught by security cameras from hotels in South Charlotte, N.C. helped metro police officers nab a suspect, help also came from his cell phone that put him at the scene of several crimes, at the exact moment when offenses occurred.

This same technology allowed officers to clear more than a dozen thefts, after warrants were obtained for his cell phones.

Graham Kuzia teaches cell phone forensics at Central Piedmont Community College at the school's American Academy of Applied Forensics. He said, new technology can pinpoint the slightest moves.

"You can see pretty much anything. Anything that's on the phone. Currently, any text messages you've ever had. Phone calls," Kuzia said. "Duration of the phone calls. Photos you may have deleted. Internet history."

Defense attorney Noel Tin calls it a powerful tool, but worries that extracting phone data may raise a series of constitutional questions.

"This is an example of technology getting ahead of the law and now the law is going to have to catch up to where the technology is and figure out where your rights lie," he said.



## SOCIAL MEDIA

### Police Pin Their Hopes on Pinterest

Joliet (Ill.) police joined the millions of users on Pinterest, but they won't be sharing recipes or decorating tips.

Instead, followers of the Joliet police page can "pin" photos of wanted suspects or information about a recent crime.

"Everyone is using social media, whether it be Facebook, Twitter or Pinterest," said Joliet Police Detective Sgt. Darrell Gavin. "It's a natural progression for the police department to start using it."

### Gunshot Detectors Installed

Charlotte-Mecklenburg (N.C.) police have installed specialized gunshot detection sensors in the Grier Heights neighborhood as part of their plan to expand the high-tech, crime-fighting tool into troubled communities.

The ShotSpotter system uses a network of microphones activated by gunfire to quickly send officers to potential shooting scenes, even if no one calls 911. Police originally bought the system to cover two square miles in uptown Charlotte as they ramped up security for the Democratic National Convention last year.

Grier Heights is the first of several places outside the center city where police hope to use the technology. The move is part of the department's plans for enhanced digital surveillance of the city's streets and residents in the wake of a 2.8 percent increase in overall crime in 2012.

### NYPD, Microsoft Create Crime-Fighting Tech System

A 911 call comes in about a possible bomb in lower Manhattan and an alert pops up on computer screens at the New York Police Department. It instantly shows officers an interactive map of the neighborhood, footage from nearby security cameras, whether there are high radiation levels and whether other threats have been made against the city.

In a click, police know exactly what they're getting into.

Such a hypothetical scenario may seem like something out of a futuristic crime drama. But the technology is real, developed in a partnership between the nation's largest police department and Microsoft Corp., and the latest version has been quietly in use for about a year.

The Domain Awareness System, known as the dashboard, gives easy access to the police department's voluminous arrest records, 911 calls, more than 3,000 security cameras citywide, license plate readers and portable radiation detectors. This is all public data — not additional surveillance.



# Striking a Balance

## PART II.

ABBIE DARST | PROGRAM COORDINATOR

**Wellness — wĕl'nis): the state of good mental, physical and emotional health.**

You are embarking on the **second** of a **four-part series** about overall officer wellness. Every law enforcement officer is faced with similar life stressors as the rest of the public, such as family matters, hectic schedules and financial shortfalls. But throw in shift work and the accelerated pace of a high-risk job, and law enforcement officers easily can lose balance and fall off the wellness wagon in their physical, emotional and even mental health. This series of short wellness-based articles will help Kentucky's officers take a closer look at aspects of their overall wellness practices and shortcomings and be encouraged and motivated to make a positive change.



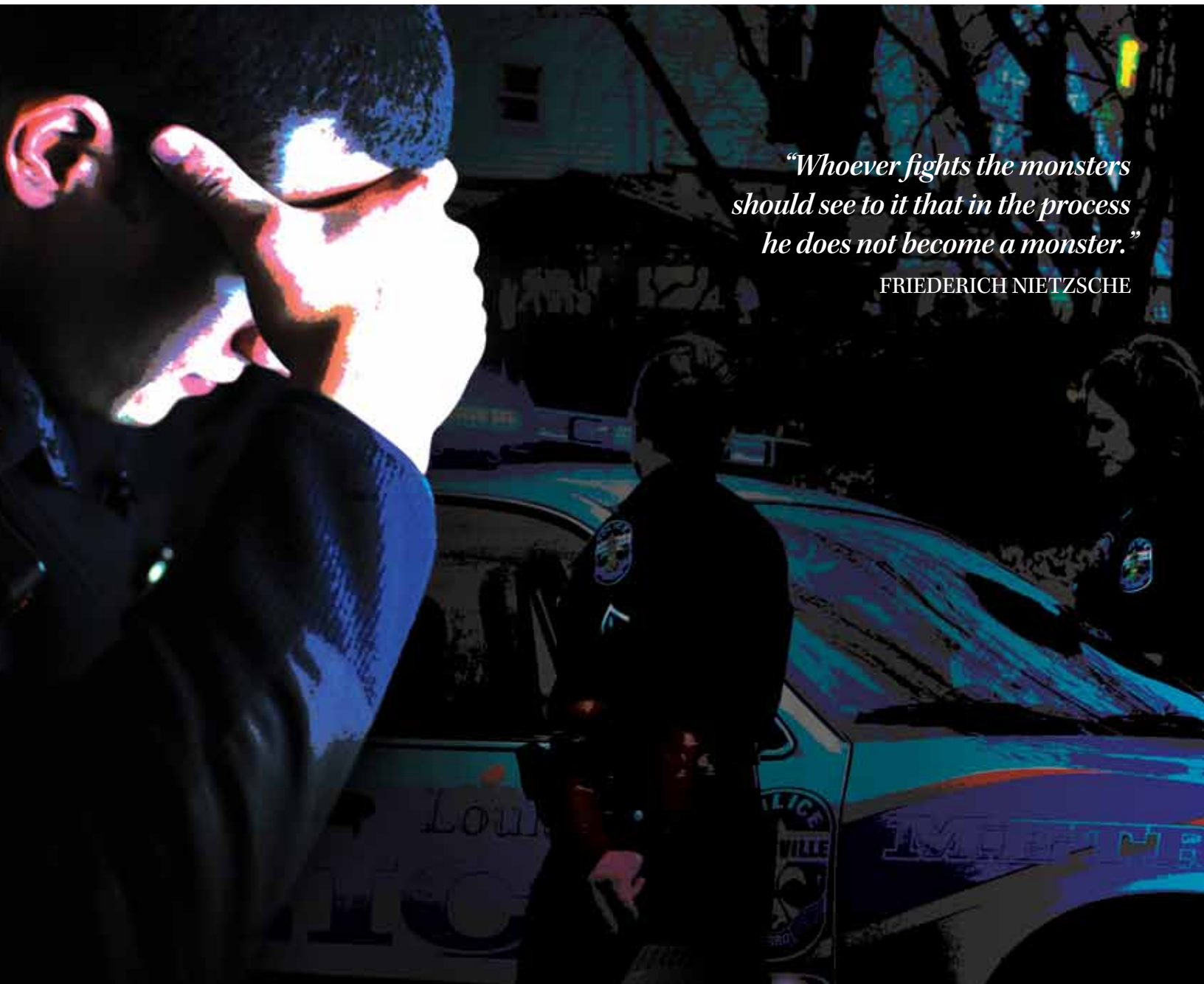




any agencies across Kentucky are changing policies to reflect the need for officers to maintain their physical fitness, mandating fitness standards and yearly testing. And there is no doubt that physical fitness is vital to an officer's ability to effectively carry out job duties. But there is much more to officer wellness than a physically-fit body and more to a healthy lifestyle than good eating and workout habits.

"They are given all the tools and resources they need physically to be fit and healthy, but if no one is paying attention to the emotional piece as well, that's when the alertness goes down and the important things throughout a career begin to dissolve," said Robin Fleischer, a licensed Lexington counselor and wife, daughter and sister of police officers.

Law enforcement officers are the courageous guardians of peace and justice in our communities. They make a choice before every shift to willingly place themselves in harm's way to protect the weak. They see the mangled mess of society and deal with the gruesome >>



*"Whoever fights the monsters  
should see to it that in the process  
he does not become a monster."*

FRIEDERICH NIETZSCHE

>> realities of human life. Often they experience people — whether perpetrators or victims — in their worst moments and those images are burned into their memories forever. No matter how strong and courageous an officer views himself or herself to be, cumulative statistics demonstrate that the ever-present evil confronting officers can wreak havoc on their personal lives as well.

The statistics are alarming. International Association of Chiefs of Police and National Police Suicide Foundation studies show nearly twice as many law enforcement officers commit suicide than are killed in the line of duty. Officers have the second highest divorce rate in the nation and abuse alcohol at twice the rate of the general United States population. Approx-

divorce and suicide numbers and to curb bitterness and issues with their [spouses] and family.”

About a year ago, the Erlanger Police Department launched its CORE (Creating Outstanding Responsible Employees) program, a health and wellness program allowing officers to work out twice a week and attend a defensive tactics training class once a week on shift. The training is mandatory, and the department has reorganized shifts to provide the time. Soon after Sims attended the FBI National Academy and was chosen to participate in a symposium to develop training recommendations for officer career vitality, he realized an emotional awareness piece must be added into the agency’s emerging CORE program.

responsibilities as whole, healthy individuals,” the May 2009 FBI Law Enforcement Bulletin states in its introduction to the BeSTOW program. “Merely surviving is not enough. It is not enough for them and not enough for this country. ... If its first responders are not healthy in mind, body and spirit, America cannot endure the onslaughts of today’s world and remain a vibrant nation. ... First responders must be allowed to do more than just survive their chosen profession.”

Beginning in January, Erlanger introduced its version of the BeSTOW program to agency personnel. The nine-part training curriculum was incorporated into the existing CORE program, with a new class each month. There will be nine parts to the BeSTOW series:

- 1) BeSTOW introduction
- 2) Emotional survival
- 3) Chaplaincy and the availability of officer and family counseling
- 4) Heritage and tradition of Erlanger and its police department
- 5) Ethics, morality and nobility in policing
- 6) Spirituality in law enforcement
- 7) Leadership behavior
- 8) A winning mindset, organization and goal setting
- 9) Financial planning

“They get into the job, and they get to working, and nobody brings these things back up,” Fleischer said of the lack of ongoing attention to the emotional needs of law enforcement officers.

Erlanger’s injection of BeSTOW into its ongoing officer training recognizes that void and takes a stand against it.

“We’ve seen it with one officer who retired and committed suicide — we’ve seen the affect that has,” Sims said. “Through instilling this, the goal of the training is to make better cops with good vitality who retire happy and productive.”

### THE ALTERNATIVE

When the emotional and mental wellness of officers is not made a priority, the >>

*The objective is to find what we can do in training to add career vitality, to get down divorce and suicide numbers and to curb bitterness and issues with their [spouses] and family.*

mately 20 percent of officers suffer from post-traumatic stress disorder.

“Behavior science recognizes that you are made up of mind, body and spirit,” Erlanger Police Sgt. Shawn Sims said. “Just because a guy makes it 20 years (in this career) doesn’t make him successful. The objective is to find what we can do in training to add career vitality, to get down

The FBI’s program, BeSTOW, or Beyond Survival Toward Officer Wellness, works to bridge the training gap that exists between teaching officers how to merely survive the job and instead, how to live full, happy and healthy lives.

“[Law enforcement officers] must not just survive [the job], but fully recover and return to their professional and family







>> ongoing stress inevitably experienced on the job can build up, taking its toll on individual officers. Post-traumatic stress disorder and depression are two crippling manifestations of officer stress. PTSD can be triggered by experiencing traumatic events, such as horrific crime scenes or exceptionally heinous acts. Severe depression, sometimes linked to PTSD, can be brought on by other life-altering traumas or events, too, according to a Community Oriented Policing Services report titled “Officer Safety and Wellness: An Overview of the Issues.”

Officers are not alone in their disposition toward depression. Nearly 35 million Americans will suffer from some type of depression in their lifetime, the leading cause of disability and suicide worldwide, according to the World Health Organization. The WHO projects that by 2020, depression will be the second leading cause of death for all ages and sexes worldwide. Moreover, studies show that occupations experiencing the worst of society, such as law enforcement officers, judges and lawyers, are at an increased risk for depression, due in part to the repetitive and negative nature of the job.

“We have to identify potential stressors and understand the hyper vigilance and cynicism that builds in response to those

*Across the country, law enforcement agencies are recognizing the dangers of ignoring officers ‘on the edge,’ and are finding new ways to pull them back in, re-center them and keep them in balance.*

pressures,” Fleischer said. “Officers deal with so much of the negative side of society. They have to balance that and keep it relevant to what’s good about people. They have to have balance and [both agencies and families] must make sure they have the tools to find that balance.”

Tools include open lines of communication and disarming a fear of judgment. Whether officers open up to each other, a family member, chaplain or counselor, talking about their experiences and not letting the stress build up inside is essential. Also, making time for events and experiences away from the job is necessary.

“They are always on, 24/7, that’s just who they are,” Fleischer said. “But they need to avoid the ‘usta syndrome’ — I usta

go to church; I usta go fishing; I usta be a part of that organization.”

It is easy to become consumed by your responsibilities and neglect your own enjoyment of life. Find a hobby you are passionate about, coach Little League Baseball, get involved in a local church or community club, Fleischer said. No matter what the activity, officers need something to turn to when their shift ends, to keep them connected to others, their families and their communities on a personal level.

In her article, “On the Edge: Integrating Spirituality into Law Enforcement,” Dr. Inez Tuck, a professor at the Virginia Commonwealth University School of Nursing, warns that “being on the edge indicates the tipping point where someone could potentially move from a compassionate defender of basic human rights and dignity to a hardened, burned-out, and embittered individual. It may mean losing the capacity to view people as fellow human beings and only see the negative consequences of their actions or harm they may subsequently cause.”

Across the country, law enforcement agencies are recognizing the dangers of ignoring officers ‘on the edge,’ and are finding new ways to pull them back in, re-center them and keep them in balance.

“When you can be a healthy individual and have healthy family relationships,” Fleischer said, “you have a healthier agency and healthier community altogether.”

Abbie Darst can be reached at [abbie.darst@ky.gov](mailto:abbie.darst@ky.gov) or (859) 622-6453.





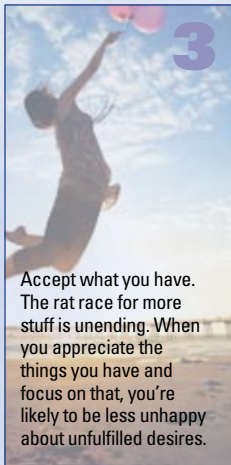
# 30 DAYS TO MAKE A HABIT

**Maintaining your emotional wellness is important work. If you don't, your attitude and demeanor can lead to lower morale on the job. Luckily, this maintenance works both ways. Challenge yourself over the next 30 days to make your emotional wellness and morale a priority with these tips. You'll be surprised how quickly implementing even a few of them can build a sunny disposition that will spread to your co-workers, friends and family.**



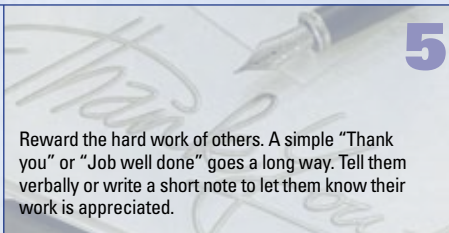
**1**  
Seeing a counselor doesn't make you crazy, but avoiding one might. Seek confidential counseling to help cope with stresses outside the control of the police organization structure.

**2**  
Enjoy your solitude. Spend an hour alone driving in your car, keep the radio off and listen to your thoughts. Don't have an hour? Take 3 minutes to focus on your breath and clear your thoughts.



**3**  
Accept what you have. The rat race for more stuff is unending. When you appreciate the things you have and focus on that, you're likely to be less unhappy about unfulfilled desires.

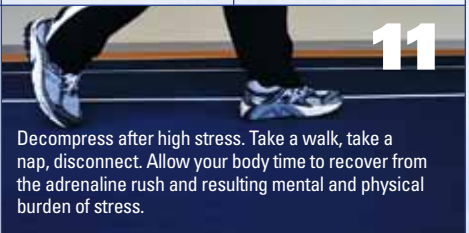
**4**  
Avoid energy vampires — the drama queen, the sob sister the constant talker — they can wear you down. Set boundaries. Listen for a while, then end the conversation politely.



**5**  
Reward the hard work of others. A simple "Thank you" or "Job well done" goes a long way. Tell them verbally or write a short note to let them know their work is appreciated.

**6**  
Take healthy risks. Don't force yourself into terrifying situations needlessly, but if you never leave your comfort zone, your life will be the poorer for it.

**7**  
Practice patience. Both with yourself and others. Take a breath, laugh it off or count to 10. Whatever helps you keep your cool, keep your temper and anxiety in check.



**11**  
Decompress after high stress. Take a walk, take a nap, disconnect. Allow your body time to recover from the adrenaline rush and resulting mental and physical burden of stress.

**12**  
Spread your success around, rather than jealously guarding it. This promotes better emotional health by continuing to build your sense of self-worth.

**13**  
When under stress, change your present state of mind by engaging in an activity that relaxes or puts you in a more pleasant mental state.



**9**  
Learn to say no. When your plate is already overflowing, it is ok to politely decline a suggestion to take on additional responsibilities. If you can't say no to the new task, find one you can drop.

**10**  
Take pleasure in life. Overly rigorous devotion to work drives you batty. Find something positive and pleasurable, do it every day and make it permanent.

**14**  
Sponsor events such as barbecues, games and picnics — or participate in the ones your agency plans.

**15**  
Collect friends — strong social support systems are important in combating personal and work-related stress.

**16**  
Learn to adjust to change — nothing will ever stay the same, learn to accept it.



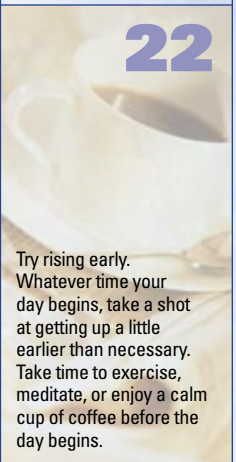
**17**  
Recognize special events. Whether birthdays or promotions, celebrating life's good days raises everyone's spirits and encourages a sense of personal value for the celebrated.

**18**  
Plan for problems. Choose to enjoy life despite its occasional disappointments and frustrations.

**19**  
Get some sleep. Achieving seven to eight hours of sleep each night will provide more energy and less moodiness.

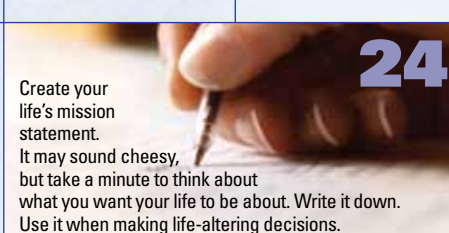
**20**  
Converse. Share ideas with your co-workers and learn to be an active listener.

**21**  
Smile. This simple act will refresh you and others with whom you come into contact.



**22**  
Try rising early. Whatever time your day begins, take a shot at getting up a little earlier than necessary. Take time to exercise, meditate, or enjoy a calm cup of coffee before the day begins.

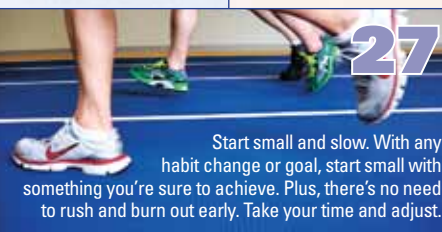
**23**  
Take a break. You don't need to be a smoker to step out for a few minutes. Breathe some fresh air and take an opportunity to re-center yourself.



**24**  
Create your life's mission statement. It may sound cheesy, but take a minute to think about what you want your life to be about. Write it down. Use it when making life-altering decisions.

**25**  
Bring your fears into the open by making a list of your seven worst fears. Then make a list of the things for which you are grateful.

**26**  
Build a culture of trust. Follow through on your promises and agreements, have faith in the input and opinions of others and exemplify trustworthiness.



**27**  
Start small and slow. With any habit change or goal, start small with something you're sure to achieve. Plus, there's no need to rush and burn out early. Take your time and adjust.

**28**  
Maintain a proper diet and exercise regularly. Exercise lifts moods and generally enhances quality of life.

**29**  
Find a passion — identifying an interest and pursuing it can develop into a rich and exciting life you never imagined you'd have.

**30**  
Read. And read to your kids and others. Never stop learning and enjoying new perspectives.

# MORALE

emotional or mental condition with respect to cheerfulness, confidence, zeal, etc., especially in the face of opposition, hardship, etc.: the morale of the troops.

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

**M**orale is a popular buzz word among roll-call rooms and command staff meetings. High or low, it's a common topic of discussion. Are the officers happy? How do we make them happy? Does money help long-term? Whose responsibility is morale, anyway?

Some experts note that good morale requires more than just making people happy, while others argue high morale in a law enforcement agency is an oxymoron. One thing that's consistent, though, is that those who have something to say about their morale generally lean toward it being not only low, but also a problem that should be addressed.

More than 570 sworn officers from four southern states submitted confidential surveys in a study conducted by the Criminal Justice Department at the University of Southern Mississippi. When the topic of morale was addressed, 73.7 percent noted that they either agreed or strongly agreed that bad morale was a major problem within their agency.

"In any given agency you can find somebody who has high morale and somebody who has low morale," said Ed Brodt, retired Anchorage Police Chief and former Kentucky Regional Community Policing Institute associate director. "Sometimes it is directly related

to the agency, sometimes there are other outside influences. Over the time [the RCPI] conducted assessments, we looked at agencies across the country and it seemed to me that those agencies where you could say morale was higher, you could directly relate that to an administration where the chief and his staff had done a better job of articulating and selling the agency's mission and values."

## THE COSTS OF LOW MORALE

Why should I care whether my co-workers are happy? In this economy, shouldn't people just be happy to be employed? Research has shown in many career fields that morale holds close ties to everything from sick leave to loss of staff. If you care about keeping a smooth-sailing ship, morale is more important than you might think.

Most agencies are short-handed and retention of qualified officers often is a top priority. Police administrators are all too familiar with the costs that come with hiring and training a new recruit when a seasoned officer pursues happiness elsewhere. David Cruickshank, chief executive officer for a Connecticut law enforcement research group said that when considering the impact of morale, there are five areas where agency leaders should be concerned: low productivity, civil liability, absenteeism, turnover and officer suicide.





◀ Acknowledging and rewarding your employees for a job well done is a surefire way to build morale. It is important, though, to spread praise appropriately, often, genuinely and not just to a limited group of “teacher’s pets.”

Low morale leads to low productivity, Cruickshank said. Employees who are happy to come to work each day typically perform more exemplary work and are more apt to put on a smile with the public. But miserable officers take naps in their cruisers and make sure someone else picks up the paperwork.

“Low morale damages community-oriented policing initiatives, numbers-driven grant programs and overall agency case work by decreasing the quality and frequency of policing services, Cruickshank wrote in his article, *Recognizing the True Cost of Low Morale*. “An

unhappy officer ... shrugs off responsibilities, does the bare minimum and wastes resources, leaving others to do more with less assistance.”

When one officer begins shirking his or her responsibilities, the morale of their co-workers declines when suddenly they are faced with picking up the slack. This cycle, Cruickshank said, can lead to a more serious issue — civil liability.

“As morale decreases, use-of-force and civilian complaints increase,” he said. “Officers with low morale have lower tolerances, may utilize poor judgment and can exhibit negative feelings, all of which hinder their performance of duties.”

As a result, leaders are forced to re-focus their attention from daily operations and staff morale to preventing the financial toll that is associated with costly lawsuits.

As the cycle spins more and more out of control, officers stop showing up for shifts and ultimately, find another paycheck that will fulfill their needs, Cruickshank said.

“Abuse of sick time can easily turn into an unpleasant and expensive cycle,” he said. “When morale is low, use of sick time increases. This causes a ripple effect as other officers become tired of working at staffing minimums and of being overloaded with work in a negative atmosphere. These officers, in turn, begin to take more time off, perpetuating the cycle of absenteeism and further lowering morale.”

With piles of eager applicants waiting to fulfill their dreams of policing stacked on administrators’ desk, it seems as if

replacing the unhappy officers is an easy fix to the problem when they give up and pursue a new position elsewhere. Unfortunately, as previously noted, losing an officer is a pricey dilemma.

“For a small agency, the cost of training coupled with the cost of the overtime created during that training year can be a staggering amount,” Cruickshank wrote. “Also important to consider, although much

## SHIFTING THE TIDES

All is not lost if you recognize that the morale of your agency is suffering. However, it is important to note that affecting the attitudes and opinions of a group of people is not easy work. Raising morale requires a commitment to long-term change.

“Better pay, days off — those things that rank and file sometimes talk about

*The first step — as with most problems — is recognizing that a problem exists. Second, try to determine what is causing it.*

more difficult to assess, is the number of years that it will take a new officer to gain a working knowledge of the community and the agency.”

Finally, a sobering consideration about the cost of low morale is found in the threat of officer suicide. Cruickshank noted that the amount of stress officers face leads to all types of personal issues, including high rates of divorce, substance abuse and suicide.

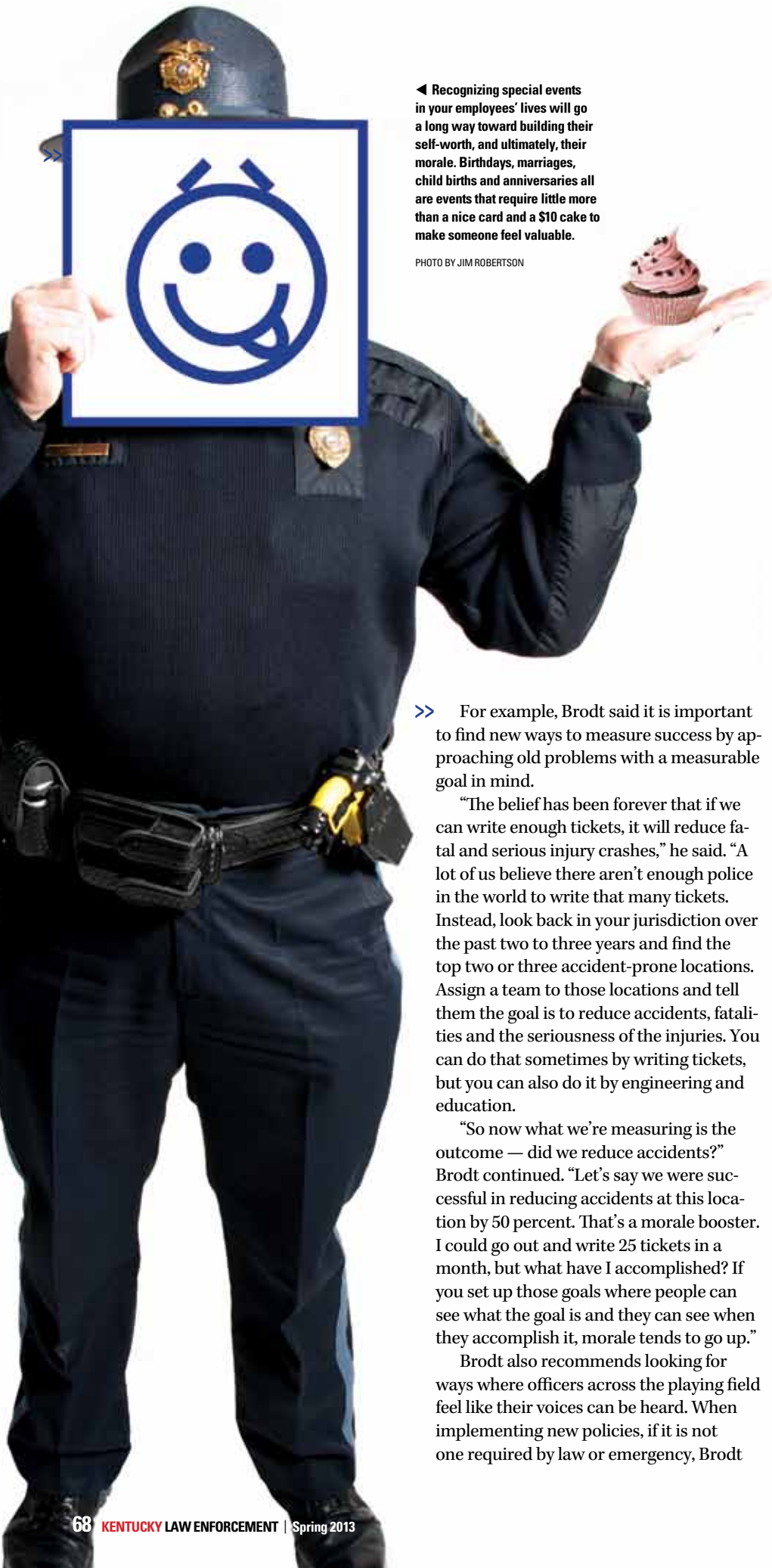
“There are currently no studies positively linking low morale to the increased risk of suicide; however, there is one important inference,” Cruickshank said. “If organizational stress rather than operational stress is found to be more significant, then it is not unreasonable to say that organizational stress plays a role in the mental health of an officer. In a healthy organization with good morale, an officer who is experiencing problems on the job or at home may be noticed earlier by supervisors when surrounded by officers who do not exhibit the same negativity. When shift morale is positive, officers more readily notice a colleague who is not dealing effectively with stress.”

are short lived,” Brodt said. “That doesn’t get it. It might be a temporary fix, but it’s not long term. Morale is more intrinsic than that.”

The first step — as with most problems — is recognizing that a problem exists. Second, try to determine what is causing it. Do local politics and undesirable media attention plague your officers? Are scheduling conflicts and faulty equipment the bane of daily duties? Is the command structure detracting from opportunities for leaders to communicate with street-level officers?

Chances are, the answer will be multifaceted and could be different for each officer with whom you speak. A good place to start is simply by recognizing a job well done.

“It’s all about feeling like you are accomplishing something,” Brodt said. “One of the things we have been teaching the last four to five years is that what we measure matters. If all I measure are the number of tickets that are written or the number of arrests made, that’s what becomes important to everyone.” >>



◀ Recognizing special events in your employees' lives will go a long way toward building their self-worth, and ultimately, their morale. Birthdays, marriages, child births and anniversaries all are events that require little more than a nice card and a \$10 cake to make someone feel valuable.

PHOTO BY JIM ROBERTSON

>> For example, Brodt said it is important to find new ways to measure success by approaching old problems with a measurable goal in mind.

"The belief has been forever that if we can write enough tickets, it will reduce fatal and serious injury crashes," he said. "A lot of us believe there aren't enough police in the world to write that many tickets. Instead, look back in your jurisdiction over the past two to three years and find the top two or three accident-prone locations. Assign a team to those locations and tell them the goal is to reduce accidents, fatalities and the seriousness of the injuries. You can do that sometimes by writing tickets, but you can also do it by engineering and education.

"So now what we're measuring is the outcome — did we reduce accidents?" Brodt continued. "Let's say we were successful in reducing accidents at this location by 50 percent. That's a morale booster. I could go out and write 25 tickets in a month, but what have I accomplished? If you set up those goals where people can see what the goal is and they can see when they accomplish it, morale tends to go up."


Brodt also recommends looking for ways where officers across the playing field feel like their voices can be heard. When implementing new policies, if it is not one required by law or emergency, Brodt

suggested distributing the drafted policy to the entire force and allowing them to give their input.

"All too often what we see is that the command staff researches and comes up with a model policy somewhere and they just issue it," he said. "There is nothing wrong with that except that you could use it to give the rank and file a voice."

There are a multitude of ways to raise morale that are just as simple. Fix seemingly small problems like faulty equipment to make officers' jobs easier and more efficient. Improve working conditions by adding a fresh coat of paint to old, tired walls or having cruiser interiors professionally cleaned annually. Show that you stand behind your officers during times of strife in either professional or personal turmoil by inviting officers in to talk when they approach.

Perhaps most importantly, lead by example. For supervisors and command staff, this may mean leaving your office and responding to calls with patrolmen to show them you are available to support them. For patrol officers, this could mean making an active decision to improve your attitude and make the most of each day you serve your community.

"I have heard some people say that you are responsible for your own morale," Brodt said. "There might be some truth to that." 

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Kelly Foreman can be reached at [kelly.foreman@ky.gov](mailto:kelly.foreman@ky.gov) or (859) 622-8552.

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# DIAGNOSING AGENCY CULTURE:

## Assessing Your Agency's Internal Culture

**SUSAN W. McCAMPBELL** |  
PRESIDENT OF THE CENTER FOR  
INNOVATIVE PUBLIC POLICIES, INC.

Use the scale below to rate the following statements. Base your ratings on the current reality of your organization, in YOUR opinion — NOT where you hope your organization might be at some future time. Add up the scores in each category and record them in the space provided.

### RATINGS

0 = Not sure — but I intend to find out

1 = Definitely needs work — not at all where we should be on this

2 = Could use some work — not quite where we should be on this

3 = Generally OK — we can live with where we are on this

4 = Definitely OK — we're right where we should be on this

### LEADERSHIP

SCORE

- We have a clearly articulated organizational mission. \_\_\_\_\_
- Our actions and activities are generally proactive rather than reactive. \_\_\_\_\_
- Our organizational values are positive and well-known by stakeholders. \_\_\_\_\_
- Our organization's values are embraced by most employees. \_\_\_\_\_
- We have a clearly defined code of conduct. \_\_\_\_\_
- Power is shared in the organization. \_\_\_\_\_
- There is a long-term perspective that goes beyond day-to-day operations. \_\_\_\_\_
- We value our employees and our actions demonstrate this. \_\_\_\_\_
- Employees generally trust the leadership team. \_\_\_\_\_

SCORE FOR LEADERSHIP: \_\_\_\_\_

>>

◀ Money isn't everything. It may solve a temporary need, but only raises morale in the short term. Look for opportunities to raise morale that also can be implemented for the long term.

PHOTO BY JIM ROBERTSON



▼ Make the workplace comfortable. Plush couches and big-screen TVs aren't necessary, but an environment that is clean, inviting and convenient will allow officers a space to take a breath before they start working on all those reports.

PHOTO BY JIM ROBERTSON



## >> PROFESSIONALISM

SCORE

- Our organization has a positive reputation in the community. \_\_\_\_\_
- Employees accept and embrace workplace diversity. \_\_\_\_\_
- We are generally proud of the conduct of our employees — on and off duty. \_\_\_\_\_
- Employees are respectful of one another. \_\_\_\_\_
- Employees appear to be genuinely committed to the mission of this organization. \_\_\_\_\_
- Employees are empowered to fulfill their job duties. \_\_\_\_\_
- Employees are proud to be associated with this organization. \_\_\_\_\_
- Other agencies look to us as leaders in the field. \_\_\_\_\_
- Value is placed on enhancing job skills and knowledge. \_\_\_\_\_

SCORE FOR PROFESSIONALISM: \_\_\_\_\_

## QUALITY OF WORK LIFE

SCORE

- Employees can get time off without a lot of hassle. \_\_\_\_\_
- Employees don't abuse sick leave. \_\_\_\_\_
- Employees are formally recognized for positive accomplishments. \_\_\_\_\_
- Employees know where to turn for help and support for personal problems. \_\_\_\_\_
- Any need for organizational change is openly discussed in a positive manner. \_\_\_\_\_
- Employees' behavior is consistent with the code of conduct. \_\_\_\_\_
- Employees feel that they can safely report any misconduct of their peers. \_\_\_\_\_
- This is a good place for single parents and other employees with family responsibilities to work. \_\_\_\_\_
- Employees support each other in getting the agency's mission accomplished. \_\_\_\_\_

SCORE FOR WORK LIFE: \_\_\_\_\_



## DAILY OPERATIONS

SCORE

- Daily work is consistent with written procedures. \_\_\_\_\_
- Employees are hardworking and committed to doing their jobs right. \_\_\_\_\_
- Employees demonstrate professionalism every day in their interactions with both the community and their clients. \_\_\_\_\_
- Employees show few signs of stress-related burnout. \_\_\_\_\_
- Employees have an opportunity to work on diverse and changing assignments. \_\_\_\_\_
- Employees have autonomy and aren't second-guessed by supervisors. \_\_\_\_\_
- Citizen and client complaints are taken seriously. \_\_\_\_\_
- Employees have the tools and resources to do their jobs properly. \_\_\_\_\_
- Employees trust the internal investigation process as fair and impartial. \_\_\_\_\_

SCORE FOR DAILY OPERATIONS: \_\_\_\_\_

## PERSONNEL SELECTION, PROMOTION AND DEVELOPMENT

SCORE

- Our organization has little trouble attracting qualified applicants. \_\_\_\_\_
- Well-qualified employees are being hired. \_\_\_\_\_
- New employees represent the diversity of our clients and the community. \_\_\_\_\_
- Current employees are our best recruiters. \_\_\_\_\_
- Our salary and benefit package is competitive in our community. \_\_\_\_\_
- The promotional process is objective and viewed as fair by most employees. \_\_\_\_\_
- Employees receive the training they need to perform their jobs. \_\_\_\_\_
- Managers act as formal or informal mentors to subordinate employees. \_\_\_\_\_
- The performance appraisal system objectively evaluates employee skills and competencies. \_\_\_\_\_

SCORE FOR PERSONNEL SELECTION, PROMOTION AND DEVELOPMENT: \_\_\_\_\_

## COMMUNICATIONS

SCORE

- The leader's message is getting across to most all employees. \_\_\_\_\_
- Employees feel that their voice is heard and their feedback is valuable. \_\_\_\_\_
- Information flows effectively, up and down the chain of command. \_\_\_\_\_
- Employees look forward to reading the organization's newsletter. \_\_\_\_\_
- Employees believe that their grievances will be heard in a timely manner and settled fairly. \_\_\_\_\_
- There is little gossip and few rumors in the workplace. \_\_\_\_\_
- Supervisors regularly schedule meetings to share information. \_\_\_\_\_
- Employees are generally consulted before major decisions affecting them are made. \_\_\_\_\_
- Supervisors and managers listen more and talk less. \_\_\_\_\_

SCORE FOR COMMUNICATIONS: \_\_\_\_\_

### ADD YOUR SCORES HERE:

Leadership = \_\_\_\_\_  
Professionalism = \_\_\_\_\_  
Quality of Work Life = \_\_\_\_\_  
Daily Operations = \_\_\_\_\_  
Personnel Development = \_\_\_\_\_  
Communications = \_\_\_\_\_  
TOTAL = \_\_\_\_\_

### INTERPRETING RESULTS:

#### IF YOUR SCORE IS: 0-102

Your rating indicates that your workplace needs improvements in just about all areas relating to your agency's culture. These improvements relate not only to how the business of your organization is conducted, but also to how employees are treated. Without improving these workplace issues, it will be difficult to accurately determine whether workplace conflict is a result of a culture, or inter-generational conflict.

#### IF YOUR SCORE IS: 103-171

Your rating indicates that your workplace is addressing the basic employee needs, striving to create a positive culture. Some improvement may be needed to some areas that you noted. Because your organization has a more positive culture, you will be in a better position to assess whether any workplace conflict is caused by inter-generational clashes.

#### IF YOUR SCORE IS: 172+

Congratulations, your rating indicates that you are working in an environment that has a very positive culture and probably has little conflict of any kind, including inter-generational conflict.

### A FINAL NOTE

Because every organization is unique, there is no magic score indicating that your organization's culture is functioning more positively than negatively. You should examine the lowest-scoring and highest-scoring categories, and make your own assessment of where improvements can be made. You may also wish to consider how other employees, at different levels of the organization would respond. 🐾



# Cellphones in Jail

## *A Call for Clarification*

**ROBERT E. STEPHENS, JR.** | ASSISTANT COMMONWEALTH'S  
ATTORNEY, WHITLEY AND MCCREARY COUNTIES



Cell phones are ubiquitous in our culture. Parents of young children are asked by their little ones for cell phones, their peers having already obtained one (or more) from their parents. A trip to the store is not complete without hearing someone holding a conversation on their mobile phone or without one receiving a shopping list by text from home. Cell phones provide easy and immediate help for travelers in distress. More and more homeowners are replacing their home landlines for cell phone service alone.

Cell phones are everywhere, and we find ourselves increasingly dependent on their hopefully-benign tether. But law-abiding citizens are not the only ones enjoying the easy access to and convenience of cell phones.

Inmates in Kentucky prisons and local jails, full participants in our cell phone culture on the outside, loathe going without cell phone coverage while serving time. Cell phones can be used by inmates in every way they can be used by persons out of custody. They can be used to place orders for desired products; communicate with friends, family and criminal associates; to obtain and disseminate information.

The Commonwealth of Kentucky understandably seeks to control what inmates may or may not possess while incarcerated. This is necessary to maintain order in an institution and to help further the penalizing function of limiting communication with those on the outside to controlled times and methods. KRS Chapter 520 contains several restrictions on what items can be possessed by inmates in Kentucky jails and prisons, but sadly neglects to specifically forbid cell phone possession by inmates.

Contraband is defined as “any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, departmental regulation or posted institutional rule or order.” (KRS 520.010 (1)). Dangerous contraband is “contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080, any controlled substances, any quantity of an alcoholic beverage; any quantity of marijuana; and saws, files and similar metal cutting instruments.” (KRS 520.010(3))

Although dangerous instruments are specifically included as dangerous contraband by statute, as are controlled substances, alcohol and marijuana, cell phones are not listed specifically. Regulations are relatively easily changed, and cell phones are definable by the jailer as contraband by leaving them off a list of items prisoners are permitted to possess while incarcerated. 501 KAR 3:060, Section 3 (b) provides, “The prisoner rules, as specified in Section 1(3) (a) of this administrative regulation, shall contain a clear definition of each item permitted in the jail. All other items shall be considered contraband.”

Possession of contraband while incarcerated, however, is a misdemeanor offense. Are cell phones dangerous contraband despite the legislature failing to include them in the statutory definition?

At least one unpublished case before the Kentucky Court of Appeals held cell phones are dangerous contraband within the meaning of KRS 520.010. In Pilkington v. Kentucky Department of Correction, 2008-CA-001657-MR (Court of Appeals of Kentucky, April 24, 2009), the prisoner Ricky Pilkington argued that his rights to due process were infringed when he was found guilty of Kentucky Corrections Policies and Procedures (CPP) 15.2: Possession or Promoting of Dangerous Contraband by an Adjustment Officer at a disciplinary hearing. Pilkington appealed, arguing this was an incorrect decision because cell phones were not specifically included in the definition of dangerous contraband under KRS 520.010. The prisoner filed in Oldham Circuit Court for a declaratory judgment after the warden upheld the adjustment officer's finding. Pilkington appealed from the Oldham Circuit Court's denial of his request for declaratory relief. >>

*Cell phones can be used by inmates in every way they can be used by persons out of custody. They can be used to place orders for desired products; to communicate with friends, family and criminal associates; and to obtain and disseminate information.*







>> The Court of Appeals reviewed the statutory definitions of contraband and dangerous contraband, and noted that “CPP 9.6 ...defines dangerous contraband to include, ‘any other object which may be used to do bodily harm or facilitate escape.’” (*Pilkington*). The Court of Appeals further refused to overturn the decision of an adjustment officer when evidence supported his or her determination that the cell phone constituted contraband. (*Pilkington*, citing *Smith v. O’Dea*, 939 S.W.2d 353, 356 (Ky. App. 1997)). In *Pilkington*, the Court noted that while cell phones “are not specifically mentioned in either Kentucky Revised Statutes or the Kentucky Corrections Policies and Procedures, they are certainly encompassed by the language of both definitions. Cellular phones may be used to plan an escape, a riot within the facility or an attack on correctional officers or facilitate other threatening communications.”

While *Pilkington* is an unpublished case, and not properly citable under the rules of stare decisis in Kentucky courts, it is illustrative of how Kentucky appellate courts may reason in future cases. Surely the Court of Appeals in that case opined persuasively that cell phones fall within the language of KRS 520.010 (3) as contraband which is capable of use to endanger the safety or security of a detention facility or persons therein and is thus dangerous contraband. (Assuming, of course, that the administrators of the prison or jail have forbidden the possession of cell phones by prisoners, making them contraband, in the first place). An unpublished case, however, has only persuasive force in future cases.

What are legal practitioners or jail personnel to do when presented with (as is almost certain to occur) prisoners who have obtained cell phones while incarcerated? The only way to definitively clarify the

status of cell phones as dangerous contraband, or even as contraband, in Kentucky is by legislative action. An amendment of KRS 520.010 (3) to specifically include cell phones within the definition of dangerous contraband would resolve this issue, and make Kentucky’s jails and prisons safer places for inmates and staff alike.

From a practical standpoint, prisoners are going to attempt to, and some will succeed in, smuggling cell phones into Kentucky jails and prisons. The inherent danger of this is obvious, and has already been noted by one Kentucky court. There is a reason why jailers and prison authorities across the commonwealth routinely monitor the landline phone calls of inmates. Properly controlling the prison population necessitates controlling the communications of those inmates both within and outside the institution. Furthermore, other matters like preventing the intimidation of witnesses by prisoners pre- and post-conviction and ensuring the exclusion of materials like child pornography from jail, demand that Kentucky law clearly prohibit the introduction of cell phones and smart phones into places of confinement. Because of the security concerns associated with cell phone use in custody, it bears consideration by the General Assembly for specific inclusion of cell phones and like communication devices as dangerous contraband under KRS 520.010 (3). Such a definition, easily defensible given the prevalence of cell phones and the danger of cell phone possession by prisoners, would clarify across the commonwealth that access to cell phones by prisoners is a felony crime. The black letter of the law would then unquestionably both prohibit the possession of cell phones by inmates and provide a reasonable penalty for such behavior. ■





“

*Furthermore, other matters like preventing the intimidation of witnesses by prisoners pre- and post-conviction and ensuring the exclusion of materials like child pornography from jail, demand that Kentucky law clearly prohibit the introduction of cell phones and smart phones into places of confinement.*

”



# Stress and the Police Officer *Second Edition*

Reprinted from the FBI Law Enforcement Bulletin, Volume 74, Number 4

**I**t is hard to believe that more than 20 years have passed since the publication of Dr. Katherine Ellison's first edition of "Stress and the Police Officer." That pioneer work, written with Lt. John Genz of the New Jersey State Police, appeared shortly before the FBI's first National Symposium on Police Psychological Services, and it documented the fledgling study of stress in law enforcement. It has served countless students and professionals seeking to understand this newly recognized phenomenon. While her new book is a significant rewrite of its predecessor, Dr. Ellison makes a consistent point in both: "Research on police stress has not kept pace with the research on occupational stress in general. Much remains to be done."

On the other hand, her most recent work will add to the knowledge of any administrator, police psychologist or student of law enforcement. It is extremely well organized and well researched, with two appendices that add to the impact of this text. One, "Resources, Tips and Gimicks," identifies useful information for anyone wishing to explore the topic of police stress. A second, a detailed bibliography, provides extensive references for the use of the reader.


This work, even more than the first edition, is user-friendly and avoids psychological jargon. It easily explains the nature and typical response of an individual to stress while focusing particularly on the nature of stress in law

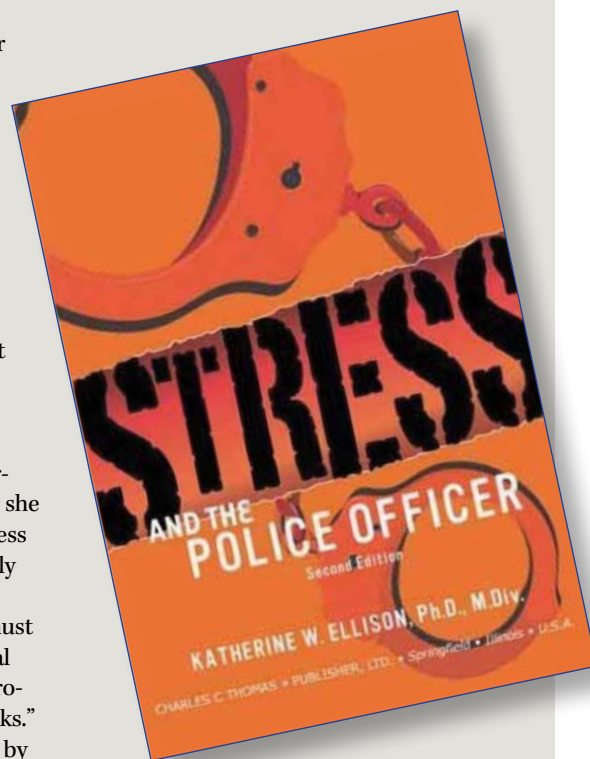
enforcement and unique stressors experienced by special groups within the profession. These include civilian personnel and ethnic and racial minority, female, and gay and lesbian officers. She clearly has articulated methods by which anyone connected with law enforcement easily can recognize stress reactions and, more important, has identified practical stress management techniques for the individual.

Two chapters in the book prove especially compelling. First, Dr. Ellison discusses organizational strategies for stress management, emphasizing that police departments must be concerned about the quality of management and the reduction of stress. Within this chapter, as well as throughout the book, she offers fair and honest criticism of stress-causing practices seen in many agencies and within the law enforcement culture itself, but outlines clear steps that any department can take to mitigate organizationally-caused stress.

Second, she emphasizes the importance of training within an agency. As she says, "For a program of stress awareness and management to be even minimally effective, it must include more extensive and comprehensive training. It must focus on changes at the organizational and supervisory level in addition to programs for individuals in the lower ranks." Her training chapter suggests actions by which an agency could better prepare

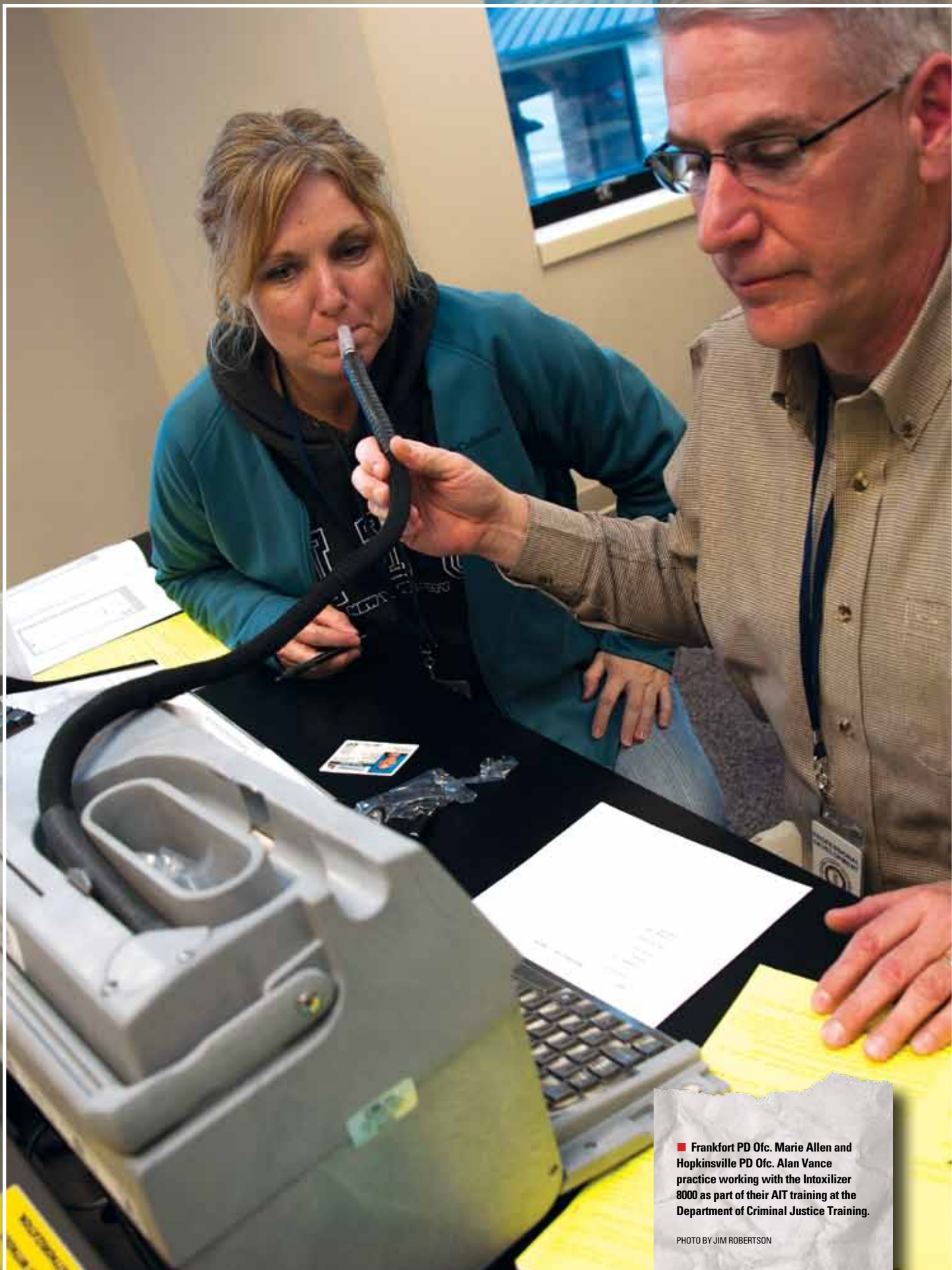
its personnel to handle stress and, as a result, reduce stress within the agency itself.

Dr. Ellison is a recognized expert in police psychology who has continually kept up with the times. Her new text provides further evidence of her dedication to the enhancement of police service and her recognition that this country's law enforcement officers deserve to be treated well. 



by Katherine W. Ellison, Charles C. Thomas Publisher, Springfield, Ill., 2004





■ Frankfort PD Ofc. Marie Allen and Hopkinsville PD Ofc. Alan Vance practice working with the Intoxilizer 8000 as part of their AIT training at the Department of Criminal Justice Training.

PHOTO BY JIM ROBERTSON

# LEGAL SHORTS

## New Controlled Substance Regulations

On Dec. 18, 2012, Gov. Steve Beshear signed emergency regulations for the Cabinet for Health and Family Services, adding new variations of synthetic cannabinoids (also known as synthetic marijuana, K2 or Spice) to Schedule I of the Kentucky Controlled Substances Act (KRS 218A). These new regulations are immediately enforceable and available at <http://www.lrc.ky.gov/kar/TITLE902.HTM> under Chapter 55, Controlled Substances. (902 KAR 55:015. Schedule I substances)

## Sweep Searches

In the recent Kentucky case of Guzman v. Com., 375 S.W. 3d 805 (Ky. 2012), the Court looked to Maryland v. Buie, 494 U.S. 325 (1990), for guidance in determining when a sweep search of a residence was proper. The Court concluded that it was not proper to sweep a residence unless the officers had an articulable reason to believe that other persons, who might pose a risk to the officers, might be present. The Court quoted went so far as to quote William Pitt, who spoke out in Parliament in 1763, stating:

It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement.

The Court noted that the officers in this case could have asked for consent to walk through the residence or could have asked the subject to step outside. The Court stated, in addition, that “consent by the owner for the police to enter his home does not extend to the entire house, even for a protective sweep.” A related issue was addressed in Turk v. Comerford, Stasenko, Rexing and Adams, 2012 WL 2897476 (6th Cir. 2012), in which the Court agreed that a person simply opening a door to officers does not mean that the occupant consented to the officers’ entry, although it noted that consent could be given by conduct, such as standing back and gesturing someone inside.

## Open Records

Summaries on open records decisions in Kentucky, of specific interest to law enforcement and dispatch agencies, are posted semi-annually on the DOCJT website at <https://docjt.ky.gov/legal/>.

## Incompatible Offices

A common question that comes up in law enforcement is whether an officer may legally work at two different agencies. The answer to this question is not simple, but the starting place for such questions is KRS 61.080, Incompatible Offices. Additionally, some combinations of positions have a functional incompatibility, because the legal jurisdictions overlap. For example, a deputy sheriff who accepts a city police officer position in the same county would have an overlapping physical jurisdiction, as both positions would exercise jurisdiction over the same territory.

It also is critical that the two positions be assessed for a potential of duties that are legally incompatible, as well. The risk in taking a position judged to be incompatible is that the individual would automatically vacate the first position by taking the second. Liability to the agency also is possible, because of the first position being lost when the officer or deputy accepts the second. Thus, the officer loses the authority to take law enforcement action as well. (KRS 61.090)

Another factor to be considered is the issue of worker’s compensation. Under KRS 342.140(5), if an employee is injured at one position, and the other employer is aware of the concurrent employment, wages will be calculated as a total of the wages for both positions by the employer where the injury occurred.

Specific questions on this issue should be directed to the appropriate legal counsel, depending upon the agency to which the officer belongs, such as the city or county attorney.

## Open Carry

Kentucky is an open carry state by virtue of Section 1 of the Kentucky Constitution, which reads:

All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

More information on open carry issues may be found on the DOCJT website under Informational (White) Papers for this and other issues of interest. ■





# STRANGE STORIES FROM THE BEAT

## » Homeless woman beats up jet ski thieves

Recently forced into a homeless shelter after losing her job, a Sacramento woman was left with only a few possessions, including her SUV and two jet skis. One day she noticed the jet skis and their trailer were gone and a trail of water on the ground. "So I just followed that water," she said. The water led her to a gas station a half mile away where she found her jet skis attached to another truck. When the thieves tried to drive off, the woman said she started kicking and fighting. "I'm not a fighter," she said. "I just went crazy."



## » Trail of Cheetos leads to arrest

South Carolina deputies arrested a man and charged him with second-degree burglary of a general store, where he shattered the front glass and stole beer, cigarettes, snacks and energy drinks. He wasn't on the lam very long, because during the break-in, cops said, he opened a bag of Cheetos that spilled on the floor and left a trail of snack food goodness leading right to the front porch of his home. Deputies found the man inside the house with the stolen items.



## Nice date attempt lands man in jail instead

The New York Times is wrong: Courtship is not dead.

A Florida man went all-out for an upcoming date by allegedly stealing about \$80 worth of steaks, wine and beer from Wal-Mart.

The man, completely unprompted, informed them he had taken the goods to "impress a lady."

He was charged with petty theft.



## Dollar « bill causes exotic club brawl

Police say two dancers at an exotic club in Wisconsin were cited after they allegedly brawled over a dollar bill. Deputies were called to Silk Exotic to break up a fight. Police say the fight began after a customer tried to give a dollar to one of the dancers, but the other dancer took it. The women began to brawl — punching, slapping and pulling each other's hair. Other dancers and customers separated the two.

## Where's the heat? «

A 73-year-old Washington woman was shocked by news that a stranger had taken up residence underneath her home. The discovery was made when she called a repairman to investigate problems with her new furnace. The repairman went into the crawl space under her home and found that not only was a duct cut, but it was most likely cut by a person living under the house. Empty beer cans and liquor bottles littered the crawl space, and the altered duct blew warm air under the house onto the unwanted visitor. The police chief said that in his 18 years of service with the department, he had never heard of any similar case. She also said she believed the squatter smoked marijuana because she often smelled smoke lingering in her house.



» IF YOU HAVE ANY

funny, interesting or strange stories from the beat, please send them to [jimd.robertson@ky.gov](mailto:jimd.robertson@ky.gov)



KENTUCKY

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